

The Caterer That Cratered: Yevgeny Prigozhin's Fall from Grace and the Sky

Adapted from the writings of Dayan Yitzhak Grossman

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The Associated Press reports:

Russian mercenary chief Yevgeny Prigozhin and some of his top lieutenants were presumed dead in a plane crash that was widely seen as an assassination to avenge a mutiny that challenged President Vladimir Putin...Prigozhin supporters claimed on pro-Wagner messaging app channels that the plane was deliberately downed, including suggesting it could have been hit by a missile or targeted by a bomb on board...Numerous opponents and critics of Putin have been killed or gravely sickened in apparent assassination attempts... "It is no coincidence that the whole world immediately looks at the Kremlin when a disgraced ex-confidant of Putin suddenly falls from the sky, two months after he attempted an uprising," said German Foreign Minister Annalena Baerbock, while acknowledging that the facts were still unclear... "The downing of the plane was certainly no mere coincidence," [NATO strategic communications director] Janis Sarts told Latvian television.[1]

In this article, we consider whether and in what manner a head of government may kill those who rebel against his authority.

Moreid bamalchus

The episode that comes immediately to mind in this context is Dovid Hamelech's ordering his general Yo'av to bring about Uriyah HaChiti's death in the course of a war against the nation of Amon:

Place Uriyah directly in front of the fierce fighting; then withdraw from behind him so that he shall be struck and die.[2]

Hashem, via Nosson Hanavi, vehemently rebuked Dovid Hamelech for this:

Why have you scorned the word of Hashem, doing that which is evil in My eyes? You have struck Uriyah HaChiti with the sword; his wife you have taken to yourself for a wife, while him you have killed by the sword of the children of Amon.[3]

Despite this unequivocal condemnation of Dovid Hamelech as having committed a great crime in killing Uriyah, the Gemara cites a dispute about whether Dovid Hamelech was actually justified in killing him. The context is a discussion of whether the halachic law of agency applies to sinful acts (*shlichus lidvar aveirah*):

The Gemara asks: But what of that which we learned in a *breisa*: If someone says to his agent, "Go and kill a certain person," the agent that kills him is liable, and the one that sent him is exempt. Shama'i Hazakein says in the name of Chagai Hanavi: The one that sent him is liable, as it says, "You (i.e., Dovid Hamelech) have killed him with the sword of the children of Amon." [4]

The Gemara proceeds to debate whether Shamaï Hazakein indeed maintains that there is *shlichus lidvar aveirah* (i.e., one who appointed an agent to perform a sinful act is liable for the agent's actions). It ultimately proposes the following interpretation of the debate between Shamaï and the first view in the *breisa* about whether Dovid Hamelech was actually culpable for killing Uriyah:

Or, if you prefer, say: There (in the *breisa*'s case) the halacha is different, for regarding murder, the Merciful One revealed that agency applies, as it says, "You have killed him with the sword of the children of Amon."

And what of the *tana kama* (how does he explain the *pasuk* adduced as proof by Shamaï)? He interprets that *pasuk* to mean that the death of Uriyah is to you, Dovid, like a death that came via the sword of the children of Amon: Just as you are not to be punished for the deaths that came via the sword of the children of Amon (i.e., those killed by the Amonim in the war), so, too, you are not to be punished for the death of Uriyah HaChiti. What is the reason? Because Uriyah was a *moreid bamalchus* (a traitor to the crown), because he said to Dovid Hamelech, "And my master Yo'av and all the servants of the king are encamped in the open field." [5]

Judicial process

But even according to the approach that Dovid Hamelech was justified in killing Uriyah as a *moreid bamalchus*, it is still quite clear from the *psukim* that he had nevertheless somehow acted improperly in killing him. This point is addressed in another discussion of this incident in the Gemara:

R' Shmuel bar Nachmani said in the name of R' Yonasan: Whoever says that Dovid sinned is simply mistaken, as it says, "Dovid was successful in all his ways, and Hashem was with him..." Is it possible that Dovid sinned and Hashem was still with him?...

"You struck Uriyah HaChiti with the sword"—(Nosson Hanavi appears to be charging Dovid with murder, but he actually means that) you should have judged him in Sanhedrin, but you didn't do so.

The Gemara subsequently cites, without dispute, the aforementioned approach that Dovid Hamelech was fundamentally justified in the killing of Uriyah because he was a *moreid bamalchus*. [6]

Appearing to contradict the assertion of the Gemara here that a king may not kill a traitor to the crown on his own but must judge him before the Sanhedrin, is another Gemara. It, too, addresses Dovid Hamelech and his intended killing of someone he considered to be a *moreid bamalchus*, but it seems to assert that a king may indeed execute such a person without judicial process. The context is Avigayil's arguing Dovid Hamelech out of killing her husband Naval:

She said to him: Are capital cases tried at night? (How then, can you try my husband at night?) He said to her: He is a *moreid bamalchus*, so it is not necessary to try him in the manner of other capital cases. (The Gemara proceeds to explain that Avigayil then persuaded Dovid

Hamelech not to kill Naval on other grounds.))[7]

The Ri and some of the Ba'alei HaTosfos explain that there is certainly a requirement to judicially try an alleged *moreid bamalchus* and ascertain that he does indeed have that status, and Dovid Hamelech's argument that there was no need to try him refers only to the normal rule that a guilty verdict in a capital case cannot be issued until the day following the conclusion of the trial,[8] which is not required in a case of *moreid bamalchus*. [9]

The Me'iri explains that while a king is indeed permitted to execute people without judicial process,

Whenever he desires to execute someone due to his honor and vengeance, it is appropriate for him to judge him in the Sanhedrin, to prevent people from saying that it is anger or vindictiveness that is driving him. [10]

The Turei Even explains that when it is clear that someone is a *moreid bamalchus*, the king may execute him without judicial process, but where there is doubt, he must be judged by the Sanhedrin. [11]

Heads of government today

The Ran states that in the absence of a king, the prerogatives of kings, including the right to execute a *moreid bamalchus*, extend to other leaders or to the courts. [12] Based on this and other sources, R' Yaakov Epstein (the Chevel Nachalaso) suggests that the laws of *moreid bamalchus* would apply to non-monarchical forms of government, though he nevertheless maintains that a leader today may not execute someone who offends his honor or flouts his orders:

Only with regard to a king or a judge, in whose person is concentrated the entire national essence, an offense against him or his orders constitutes treason. [13]

It is plausible, however, that a full-blown mutiny like the Wagner Group rebellion, which involved an armored column marching on Moscow, would indeed constitute *meridah bamalchus*, because such conduct is not only an offense against the head of government personally but a rebellion against the government itself.

Note: This article explores the halachos of moreid bamalchus and their application to the putative assassination of Yevgeny Prigozhin by Vladimir Putin, but nothing here should be construed as an endorsement of the latter's character or conduct. Additionally, the halachos we discussed are stated in the context of Jewish kings, and we are not considering here their applicability to non-Jewish ones.

[1]The Associated Press.

<https://apnews.com/article/russia-wagner-prigozhin-jet-crash-382515214f691e47daa2e3635d64e612>.

Cf. Robyn Dixon, Catherine Belton, Mary Ilyushina, and Francesca Ebel. Putin boosted by Prigozhin's apparent death; Wagner Group future in doubt. The Washington Post.

<https://washingtonpost.com/world/2023/08/24/putin-prigozhin-death-wagner>

-future/.

[2]Shmuel Bais 11:15.

[3]Ibid. 12:9.

[4]Kidushin 43a.

[5]This is Rashi's understanding of Uriyah's act of rebellion against Dovid Hamelech. Tosfos rejects this interpretation and cites two alternate approaches: Rabeinu Meir (son-in-law of Rashi and father of Rabeinu Tam) explains that Uriyah's treason was in his refusal to obey Dovid Hamelech's order to go to his home to eat and drink (see Shmuel Bais 11:6-11), and others explain that his treason was his mentioning of Yo'av prior to Dovid Hamelech.

Regarding Rabeinu Meir's assumption that disobedience of a royal order constitutes treason, see Sanhedrin 49a; Rambam Hilchos *Melachim* 3:8; Chevel Nachalaso 1:4 (3.2).

[6]Shabbos 56a.

[7]Megillah 14a-b.

[8]See Sanhedrin Mishnah 32a and Gemara 35a.

[9]Tosfos Megillah ibid. s.v. *Moreid bamalchus hu*; Shabbos ibid. s.v. *Shehayah lecha*; and Sanhedrin 36a s.v. Rabbah bar bar Chanah.

[10]Me'iri Shabbos ibid., and see Me'iri Megillah ibid.

[11]Turei Even Megillah ibid. Cf. Chevel Nachalaso ibid. (4.2); R' Ayal Reznikovitz, *Moreid bamalchus-Mi Dan Es Hamoreid*, Kuntresei Limud-Meluchah Veshilton.

[12]Drashos HaRan *drush* 11.

[13]Chevel Nachalaso ibid. (2.1).