

8:35-36 The special korbanot

1. Talmud, Horiyot 6a

אמר רבי יוסי: "הבאים מהשבי הגולה הקריבו עלות לאלקי ישראל פרים שנים עשר וגו' הכל עולה" – 'הכל עולה' סלקא דעתך? אפשר שהטאת עולה? אלא הכל כעולה, מה עולה לא נאכלת אף הטאת לא נאכלת, דתניא "רבי יהודה אומר על עבודת כוכבים הביאום", ואמר רב יהודה אמר שמואל על עבודת כוכבים שעשו בימי צדקיהו... והא מזידין הוו! הוראת שעה היתה. הכי נמי מסתברא, דאי לא תימא הכי "אילים תשעים וששה כבשים שבעים ושבעה" כנגד מי?! אלא הוראת שעה היתה, הכא נמי הוראת שעה היתה.

Rabbi Yosi said: "The arrivals from the captivity of the exile brought burnt offerings to the Gd of Israel – twelve bulls... all burnt offerings." Could they all be burnt offerings? Could a *chatat* be a burnt offering? Rather: All were like burnt offerings – just as the burnt offering is not eaten, so the *chatat* was not eaten. For we have learned, "Rabbi Yehudah said: These were brought to atone for idolatry," and Rav Yehudah cited Shemuel to explain that they were for idolatry performed in the days of Tzidkiyahu...

But that idolatry was intentional! This [offering] was a special dispensation. And this makes sense; otherwise, "96 rams and 77 lambs" for whom? This was by special dispensation, and so, too, these were by special dispensation.

2. Ibn Ezra to Ezra 8:35

תשעים וששה שבעים ושבעה כפי יכלתם אין להם טעם.

96 and 77 were according to their means, without any particular meaning.

3. Rashi to Horiyot 6a

הוראת שעה היתה - דאף על גב דהוו מזידין הוו מתכפרים

"It was a ruling for that time" – that even though they had sinned intentionally, this would atone.

Introduction to Ezra 9-10

4. Outline

9:1-2	A report of intermarriage
9:3-15	Ezra's prayer to Gd
10:1-4	National response
10:5-6	Ezra's display of grief
10:7-14	A National Decision
10:15-44	Separation of intermarriages

5. Malachi 2:10-16

6. Rashi to Malachi 2:11

שנשאו נשים נכריות בבבל ואפילו הכהנים כמו שמפורש בספר (עזרא ט) ורבותינו אמרו מלאכי זה עזרא

They married foreign women in Babylon; even the kohanim did, as recorded. Our sages identified Malachi with Ezra.

7. Midrash, Bereishit Rabbah 18:5

בשעה שעלו ישראל מן הגולה, נתפחמו פני הנשים מן השמש והניחו אותן, והלכו להם ונשאו נשים עמוניות, והיו מקיפות את המזבח ובוכות, הוא שמלאכי אומר "וזאת שנית תעשו", שנייה לשטים

When the Jews ascended from exile, the women's faces were blackened by the sun. The men left them and married Ammonite women, and the Jewish women surrounded the altar and cried. As Malachi said, 'This is the second thing you do' – second to Shittim.

8. Abarbanel to Malachi 2:10

ולא האשימם הנביא פה ולא ג"כ בספר עזרא שהיו נותנים בנותיהם לגוים כי אם שהיו לוקחים להם נשים נכריות אולי היו עושים זה בחושכם שהם ימשלו בנשותיהם ולא יתפתו לעבוד ע"ז שלהם, אבל בנות ישראל לא הגיעה רשעת הדור להבעל לגוים כי ידעו שבהכרח תמשך האשה אחר עבודת בעלה, גם שחרפה היה להם לתת את בנותיהם לאיש אשר לו ערלה

The prophet did not indict them here, or in Ezra, for giving their daughters to the nations, but only for taking foreign women. Perhaps they [only] did this, thinking they could control their wives and not be drawn into their idolatry, but the wickedness of the generation had not reached the point of having Jewish women live with non-Jews. They knew that the woman would be compelled to follow her husband's worship. Also, it would be shameful to give their daughters to men without *brit milah*.

9. The law? Devarim 7:1-4

10. Talmud, Avodah Zarah 36b

בנותיהן דאורייתא היא, דכתיב 'לא תתחתן בהם'! דאורייתא ז' אומות, אבל שאר עובדי כוכבים לא, ואתו אינהו וגזור אפילו דשאר עובדי כוכבים. ולר"ש בן יוחי דאמר 'כי יסיר את בנך מאהר' לרבות כל המסירות, מאי איכא למימר? אלא דאורייתא אישות דרך התנות, ואתו אינהו גזור אפילו דרך זנות... Their daughters are subject to a biblical prohibition, "You shall not marry among them!" The biblical prohibition is for the seven [Canaanite] nations, but not other nations, and the rabbis prohibited even other nations. And per Rabbi Shimon bar Yochai who said that "He will cause your sin to stray from Me" includes all who cause straying, what could [be the rabbinic prohibition]? Rather, the biblical prohibition is against the manner of marriage, and the rabbis prohibited even in the manner of *znut*...

11. Rabbi Moses Maimonides (Rambam, 12th century Egypt), Mishneh Torah, Laws of Prohibited Relationships 12:1-2
ישראל שבעל עכו"ם משאר האומות דרך אישות, או ישראלית שנבעלה לעכו"ם דרך אישות הרי אלו לוקין מן התורה שנאמר לא תתחתן בהם בתך לא תתן לבנו ובתו לא תקח לבנך, אחד שבעה עממין ואחד כל אומות באיסור זה, וכן מפורש על ידי עזרא ואשר לא נתן בנותינו לעמי הארץ ואת בנותיהם לא נקה לבנינו. ולא אסרה תורה אלא דרך התנות אבל הבא על הכותית דרך זנות...

If a Jew mates with an idolater from the other nations in the manner of marriage, or a Jewess mates with an idolater in the manner of marriage, the Torah dictates lashes for them, as it says, "And you shall not marry among them; you shall not give your daughter to his son, and you shall not take his daughter for your son." The prohibition applies for the seven nations and any nation, and so was explicit via Ezra, "And that we will not give our daughters to the nations of the land, and their daughters we shall not take for our sons." And the Torah only prohibited the manner of marriage, but one who lives with a Cuthite in the manner of *znut*...

12. Rabbeinu Yaakov ben Asher (Baal haTurim, 13th-14th century Germany/Spain), Tur Even haEzer 16

כותית אף על פי שאין בה לאו אסורה מדרבנן... ונ"ל שאינו אלא בז' עכו"ם דלא קי"ל כרבי שמעון...
A Cuthite, even though there is no biblical prohibition, is still prohibited rabbinically... And it appears to me that this [verse] is only for the seven nations, for we do not follow Rabbi Shimon...

9:1-2 A Report of Inter-marriage

13. Rabbi Yosef Kahaneman, Response to Prime Minister David Ben-Gurion, published in *Who is a Jew?* pp. 23-24
Joshua stood up and warned the people, pointing to the utter destruction which would be the result of intermarriage in our Holy Land.

The issue came to the fore again, in more poignant form, during the second immigration, in the days of Ezra, seventy years after the destruction of the First Temple. About forty years prior to the return of the exiles, all was still [literally, "no bird chirped in our land"]. Only a fraction of the people returned from Babylon; the majority preferred to stay behind. As yet they had not overcome the horrors and the pain of destruction; the picture of the waste land was ever present before their eyes. It seemed that the rescue of people and land demanded a temporary departure from Halakah, with respect to the heathen women and their children. There were, indeed, among the leaders of the people, men who took this point of view, as it is recorded: "The hand of the princes and rulers had been first in this faithlessness" [Ezra 9:2]. The expression, "the hand of the princes," points to the fact that there was a definite policy with regard to this national disgrace, presumably undertaken by the leaders for the purpose of strengthening the people...

However, Ezra the Scribe, with his pure spirit foresaw the seed of utter destruction for the people...