

Preface on Inter-marriage (continued)

1. The law? Devarim 7:1-4

2. 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 מאחרי' לרבות כל המסירות, מאי איכא למימר? אלא דאורייתא אישות דרך חתנות, 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*...

3. 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 נקח לבנינו. ולא אסרה תורה אלא דרך חתנות 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*...

4. 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...

5. Rabbi Yosef Karo/Rabbi Moshe Isserles (16th century Israel/Poland), Shulchan Aruch Even haEzer 16:1

ישראל שבעל עובדת כוכבים, דרך אישות, או ישראלית שנבעלה לעובד כוכבים (דרך אישות), הרי אלו לוקין מן התורה, שנאמר: לא תתחתן בהם (ויש חולקין בזה).

Rabbi Karo: If a Jew mates with an idolatress in the manner of marriage, of a Jewess mates with an idolater (in the manner of marriage), they are lashed for violating the Torah text, as it says, "And you shall not marry among them."

Rabbi Isserles: And some dispute this.

9:1-2 _____ A Report of Inter-marriage

6. Professor Mordechai Zer-Kavod, Daat Mikra to Ezra, pg. נה, footnote 7

שרי ישראל לא חשבו כן, וחשבו שרק העמים שנמנו בתורה אסורים בחיתון... ואף עזרא דן אותם כשוגגים להביא קרבן על שגגתם (י:ט).
 The leaders of Israel did not think [as Ezra did]; they thought that marriage was prohibited only with the nations listed in the Torah... And Ezra also judged them as mistaken, such that they could bring an offering for their mistake.

7. 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 inter-marriage 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...

8. Rabbi Ezriel Hildesheimer (19th century Germany), Responsa, Vol. 1 Yoreh Deah 129

ועוד יש לעורר שטבילה כזו אשר אביו ישראל יותר מחוייבין להכין לו דרך הבחירה מאשר יעשה להנולד מנכרי כי הגם שמדינא הולד כמותה לענין יחוס, עכ"ז מצוינו כי זרע הקודש יקרא שהרי כשעזרא הוכיח לישראל אשר נשאו נשים נכריות אחר אומרו כי נשאו מבנותיהם להם ולבניהם אמר: והתערבו זרע הקודש בעמי הארצות (עזרא ט' ב')

One should also contend that for immersion like this [for conversion], where his father is Jewish, we face a greater duty to prepare the path for him to choose this than we do for someone born of non-Jews. Even though the law is that the child is like his mother for lineage, still, we have found that he is called "sacred progeny". When Ezra rebuked Israel for marrying foreign women, after saying that they had taken [foreign] women for themselves and their sons, he said, "And they have mixed sacred progeny among the nations of the lands."

9:3-15 _____ Ezra's prayer to Gd

9. Hair-pulling? Devarim 14:1; Job 1:20

10. Rabbi Chaim Yosef Dovid Azulai, Chomat Anach to Ezra 9:3

הוראת שעה היתה, לגודל צערם ולהראות חרדה גדולה על הדבר.

It was a temporary ruling, in his great pain and to demonstrate his great *charadah* over the matter.

11. Talmud, Taanit 12b-13a

היכי עבדי? אמר אביי מצפרא עד פלגא דיומא מעיינינן במילי דמתא, מכאן ואילך רבעא דיומא קרינן בספרא ואפטרתא, מכאן ואילך בעינן רחמי, שנאמר (נחמי' ט:ג) "ויקומו על עמדם ויקראו בספר תורת ד' אלקיהם רבעית היום, ורבעית מתודים ומשתחווים לד' אלקיהם." איפוך אנא? לא סלקא דעתך, דכתיב "ואלי יאספו כל חרד בדברי אלקי ישראל על מעל הגולה וגו'" וכתוב "ובמנחת הערב קמתי מתעניתי ואפרשה כפי אל ד'."

How do they do it? Abbaye said: From morning until midday they examine communal affairs. From then on, for one-quarter of the day they read the Torah and Haftarah, and from then on they ask for mercy, as in Nechemiah 9:3, "And they stood at their post and they read the Torah of Hashem their Gd for one-quarter of the day, and for one-quarter they admitted [guilt] and bowed before Hashem their Gd." But should we reverse [and do that in the morning]? Don't think that – see Ezra 9:4-5.

12. Metzudat David to Ezra 9:5

קמתי מתעניתי - ר"ל קמתי מעונה וחלש מתעניתי שלא אכל כל אותו היום... ובכדי לעורר הלבבות קם כשהוא מעונה ולבוש בגדים קרועים וכרע על ברכיו:

"I arose from my fast" – Meaning, "I arose, suffering and weak from my fast," for he did not eat at all that day... And to awaken the hearts he arose while suffering and wearing torn clothes, and he kneeled.

13. "I am ashamed" Joshua 7:1

14. Rashi to Ezra 9:7

שכבר גלו עשרת השבטים ועדיין נשארו בבבל הרבה מן הגולים:

For the ten tribes had already been exiled, and many of the exiles yet remained in Babylon.