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Marrying a Moabite

The *Mishnah* (8:3) rules that male Ammonites and Moabites (and their descendants for eternity) are prohibited from marrying into the Jewish community. Ammonite and Moabite females are excluded from this prohibition (provided that they convert).¹

The exclusion of the females was subject to debate (*Gemara Yevamot* 76b). It's an important debate touching on the validity of the Davidic line of kings (which will include the *Mashiach*). *David HaMelech* was the great grandson of the famous Moabite convert – *Rut*. David's son *Shlomo HaMelech* married *Naamah*, an Ammonite convert, and their son *Rechavam* continued the Davidic line. How could such a fundamental *Halacha* be subject to debate?

Just before *Pesukai D'Zimrah* in *Shacharit*, the siddur lists the 13 hermeneutic principles through which the Torah is elucidated (e.g. *Kal Vachomer*). The *Great Sanhedrin* would use these principles to, among other things, derive from the text of the *Torah* details of *Halachot* that were previously unknown or forgotten. Details that were derived in this manner could be overruled by any later *Great Sanhedrin* if they determined that a different derivation was more valid (*Rambam, Hilchot Mahmrim* 2:1).²

On the other hand, if the *Halacha* in question was given directly to *Moshe* by *Hashem* (a '*Halacha LeMoshe MiSinai*') it could never be overruled. A *Halacha* would only be classified as a *Halacha LeMoshe MiSinai* if there was a reliable tradition to that effect.³ A case in point is towards the end of *Mishnah* 3. After arguing with the *Chachamim* about the status of female Egyptians and Edomites,⁴ *R' Shimon* concludes that the arguments are irrelevant because he has a tradition from his teachers that his opinion is a *Halacha LeMoshe MiSinai*.

The *Brisker Rav* uses this principle to explain a difficulty in *Megillat Rut*.⁵ Before *Boaz* married *Rut* he offered *Rut*'s closest relative the opportunity to marry her. The relative refused on the basis that he might ruin his inheritance (according to *Rashi* 'inheritance' means 'future children'). He feared the biblical prohibition against marrying a Moabite. *Boaz*, who was head of the *Great Sanhedrin*,

assured him that the prohibition only applied to male Moabites. However the relative still refused to marry *Rut*.

The *Brisker Rav* asks – If *Boaz* declared in the name of the *Great Sanhedrin* that only male Moabites were prohibited, how could the relative dismiss this? Also, why was the relative only concerned about the effect on his children? If the relative held that the marriage to a female Moabite was prohibited, he should have refused on that basis.

The *Brisker Rav* explains that the relative was not concerned about personally transgressing. He could rely on the interpretation of the *Great Sanhedrin* and marry *Rut*. His concern was that a future *Great Sanhedrin* might overrule this interpretation and decide that female Moabites were also prohibited. This would mean that his children would be tainted as descendants of a Moabite and would be prohibited from marrying into the Jewish community.

In fact, the *Great Sanhedrin*'s interpretation was challenged three generations later (*Yevamot* 76b-77a). *Sha'ul HaMelech*'s adviser, *Doeg* the Edomite, challenged David's fitness for kingship on the basis that he was a descendent of the Moabite *Rut* and therefore forbidden to marry into the Jewish community. The *Great Sanhedrin* of the day argued that the prohibition only applied to male Moabites, however *Doeg* was able to refute all of their arguments. *Yesser* the Israelite came to the rescue and saved the Davidic line of kings; he testified that he had a tradition from his teachers that the exclusion of female Moabites from the prohibition was a *Halacha LeMoshe MiSinai* and was therefore not subject to challenge.

However a difficulty still remains with this episode in *Megillat Rut*. Surely *Boaz* would have explained to *Rut*'s relative that the *Halacha* relating to female Moabites was a *Halacha LeMoshe MiSinai* and was therefore not subject to challenge. Why then did the relative continue to refuse to marry *Rut*? Even though he knew that the *Halacha* in question was a *Halacha LeMoshe MiSinai*, it seems that he was afraid that a future *Great Sanhedrin* might forget this fact and try to overrule this *Halacha*. The incident with *Doeg* the Edomite and *David* proves that this was a valid concern..

Alon Ledder

¹ Ammonites and Moabites are not identifiable today because the Assyrian King Sennacherib exiled them and moved them to a different location. Therefore this prohibition no longer applies.

² In contrast, Rabbinical enactments and *minhagim* could only be overruled by a *Great Sanhedrin* that was superior in wisdom and in number. *Gezayrot* (precautionary measures to ensure biblical

prohibitions would not be transgressed) could never be rescinded by any *Great Sanhedrin*. (*Hilchot Mahmrim* 2:2-3).

³ This was before the oral law was written down.

⁴ The dispute is set out in the *Gemara* (*Yevamot* 77b).

⁵ Quoted in 'The Dynamics of Dispute' by Rabbi Zvi Lampel.

Revision Questions

במות ח' - ב' - ג':

- What is a *petzua daka*? (ח: ב')
- What is a *cherut shofcha*? (ח: ב')
- Who can a *petzua daka* and *cherut shofcha* marry? (ח: ב')
- When can one marry a converted: (ח: ג')
 - *Moavi*?
 - *Amoni*?
 - *Mitzri*?
- Which of the above cases is the subject of a debate? (ח: ג')
- What are the two opinions regarding when a *saris* is *choletz*? (ח: ד')
- In what situations does a *saris* invalidate a *yavamah* from marrying a *kohen*? (ח: ה')
- Can a *bat yisrael* eat *trumah* if she is married to a *kohen* who is: (ח: ו')
 - A *saris chamah*?
 - An *androginus*?
- What are the four cases where a woman is permitted to her husband but not the *yabam*? (ט: א')
- What are the four cases where a woman is not permitted to her husband but permitted the *yabam*? (ט: ב')
- What are the four cases where a woman is not permitted to either her husband or *yabam*? (ט: ג')
- If one marries one of the *shniyot la' eriyot*: (ט: ג')
 - Is brother required to perform *yibum*?
 - Are the children *kasher le'kehuna*?
 - Does the wife have a *ketubah*?
- If a *kohen* marries a *chalutzah*, does his wife have *ketubah*? (ט: ג')
- Which of the following can eat *trumah* and which can eat *ma'aser*: (ט: ד')
 - *Bat Yisrael* engaged to a *kohen*?
 - *Bat Yisrael* engaged to a *levi*?
 - *Bat levi* engaged to a *kohen*?
- If a *bat Yisrael* marries a *kohen* and has a child, then her husband dies, can she eat *trumah*? (ט: ה')
- If she then marries a *levi* and has a child, then her husband dies, can she eat *trumah*? Can she eat *ma'aser*? (ט: ה')
- If she then marries an *Yisrael*, can she eat *trumah*? Can she eat *ma'aser*? (ט: ה')
- Regarding the previous question, when would she once again be able to eat *trumah*? (ט: ה')
- Describe two scenarios through which a *bat kohen* who marries a *Yisrael*, would once again be able to eat *trumah*? (ט: ו')
- What is the law regarding a woman that remarries after receiving news that her husband died overseas, but then discovers her original husband is still alive? (י: א')
- Regarding the previous question, which brothers perform *chalitzah* if both husbands then die? (י: א')
- What is the difference if the women mistakenly remarried with or without the instruction of the *beit din*? (י: ב')
- What is the law if a woman remarries after hearing that her husband died, and then hears that her husband was alive but recently did indeed die? (י: ג')

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Between mincha & ma'ariv
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
10 th September י"ז אלול	11 th September י"ח אלול	12 th September י"ט אלול	13 th September כ' אלול	14 th September כ"א אלול	15 th September כ"ב אלול	16 th September כ"ג אלול
Yevamot 10:4-5	Yevamot 10:6-7	Yevamot 10:8-9	Yevamot 11:1-2	Yevamot 11:3-4	Yevamot 11:5-6	Yevamot 11:7-12:1

