

וישאו להם נשים מאביות (רות א, ד) הרב צבי איינשטטר

The posuk in Megilas Rus states that מואבי women married מחלון וכליון. This is a big חידוש because they are called גדולי הדור in צא בתרא מסכת בבא. Obviously, they knew that these were great women and they knew who רות would be, as we know she became the mother of Moshiach. However, we will not be discussing the Hashkafic aspect of this rather we will focus on the halachic considerations. How is it that married non-Jewish women מחלון וכליון? The truth is that we are operating under the premise that מחלון וכליון were not מגייר them, which is a רבה (רות רבה), מפורש מדרש (רות רבה) ר' מאיר in the name of (ב, ט).

In answering this question, we will be מקדים that there are indeed **four** עברות in marrying a non-Jewish woman. Only one of them is מפורש in the Torah and that is the posuk of ולא תתחתן במסכת עבודה (דברים ז, ג), one may not marry with the non-Jew. There is a מחלוקת over this posuk in עבודה זרה. The חכמים are of the opinion that this halacha only applies to the seven nations of Canaan, not to any other nation. However, ר' שמעון holds that all nations are included in the לאו and the gemara explains this is from the posuk that follows: פייסיר אתבנך מאחרי ועבדו אלהים אחרים וחרה. ר' שמעון has a שיטה to explain the reasons of pesukim on his own-דרש טעמא דקרא. Here, he wonders why the Torah added this follow-up posuk to the לאו. He reasons that it must be extending the לאו of marrying out to apply to all other nations. There is a big מחלוקת how we pasken. The טור סי' טז says that we should definitely follow the רבנן, only the ז' אומות are included. However, ר' שמעון goes with רמב"ם. So, getting back to our original question we can answer that according to the טור, מחלון וכליון didn't violate any דאורייתא because מואב is not one of the ז' עומות.

My rosh yeshiva, R' Avraham Yehoshua Soloveitchik, quoted from his father or grandfather (the Brisker Rov), and later when I came to this yeshiva I heard that R' Dovid Kronglass said the exact same פשט and it is in fact printed in his sefer, that this is really the meaning of ר' מאיר's words in the מדרש: מואבי ולא גירום ולא הטבילו אותם ולא היתה הלכה להתחדש עמוני ולא עמונית מואבי. They had not yet discovered the derasha that only Amoni and Moavi men are excluded from converting (but not the women) and therefore מחלון וכליון were not מגייר them because that would cause them to violate בקהל ה' instead, they married them as Non-Jewish women because the לאו of תתחתן לא wasn't applicable.

While this works רבנן, ר' שמעון and רמב"ם, we must still answer for ר' שמעון. To add another layer, בבא בתרא in ר' שמעון says the reason that מחלון וכליון were punished was from leaving ארץ ישראל during an עת צרה (there was a hunger). The רמב"ם brings this in הלכות מלכים and explains that מעיקר הדין it is מותר to leave, but it is a מדת חסידות to stay. He goes on to explain that because מחלון וכליון were גדולי הדור, Hashem expected and demanded from them to abide by this מדת חסידות, which is why they were punished. So, an even more amazing question is the following: If מחלון וכליון were עובר the דאורייתא of marrying non-Jewish women, which רמב"ם says garners כרת, how could they be punished only from not keeping the מדת חסידות?

My first approach is to suggest that ר' שמעון disagrees with ר' מאיר and instead subscribes to the opinion that רות וערפה were indeed מגייר. It is well known that the זוהר חדש also is of this opinion, as it says חס ושלום to think מחלון וכליון married them without converting them. The אבן

אורח also says it is פשוט they converted them because otherwise how could they marry a non-Jew. The only problem with this is that at this point in time the derasha of מאבית wasn't established yet, so even converting them would just run into this issue. Rabbi Shimon Krasner, in נחלת מגילת רות, answers that perhaps just as בוטו knew the derasha at that time (as shown by his implementation of it), maybe a few others knew it as well, such as מחלון וכליון (who are described by חז"ל as גדולי הדור). It was סוד, not known by the general public.

The second עבירה in marrying a non-Jew is in : מסכת עבודה זרה לו, and that is the דין of הבא על ארמית קנאים פוגעים בו. A kanoy is allowed to come and kill anyone who 'marries' any non-Jew (even one מעשה ביאה). This is a הלכה למשה מסיני and an איסור דאורייתא even though not written מורשת בתורה. So, according to מאיר ר' who says they were unconverted, how could מחלון וכליון violate this איסור דאורייתא? The answer to this, written clearly in the gemara and רמב"ם, is that the דין only applies when the איסור is done בפרהסיא - in front of ten other Jews. Of course, מחלון וכליון married them in שדה מואב where there weren't ten other Jews. [A sidebar to this is that the ש"ך is of the opinion that it would still apply even without ten Jews being present, were it to become known to ten Jews. We could still answer that מחלון וכליון didn't think anyone else would ever find out, and certainly not that all of ישראל, nor did they think it would be published in מגילת רות.]

The third עבירה comes from a רמב"ם who states (based on the gemara דף פב) that a person who marries a non-Jew is חייב כרת. In איסורי ביאה יב,ו he writes מפורש בדברי קבלה שהוא בכרת שנאמר (מלאכי ב,יא) כי חלל יהודה קדש ה' אשר אהב ובעל בת אל נכר יכרת ה' לאיש אשר יעשה ער ועונה. The סמ"ג writes in לא תעשה קיב that this is the most severe כרת in the entire Torah because this posuk says it will destroy his descendants as well whereas the regular כרת only affects the perpetrator. Assuming that every הלכה mentioned in נביא is a הלכה למשה מסיני, as רמב"ם writes in (דין) a non-Jew, we have located a חוב כרת for being בועל a non-Jew. How does מאיר ר' get around this איסור כרת? To answer this, the חלקת מחוקק and others as well maintain that this איסור כרת is also only when done בפרהסיא because the word חלל in the posuk denotes חלול which requires ten people. רמב"ם however, both in פני המשניות סנהדרין and in פרק ט holds this איסור כרת to exist even in private. To answer for this, we must introduce a new level of citizen and that is the גר תושב. We'll call them three levels of citizenship: a full גר (totally Jewish), the opposite which is a full-fledged non-Jew, and the middle ground of גר תושב. A גר תושב is a non-Jew who comes to בית דין and accepts upon himself to abide by the מצות בני נח, which includes abstention from עבודה זרה. Some Acharonim are לשון מדויק the גר תושב to be saying that the כרת is only if the non-Jew serves ע"ז and is a כפר. If they are not in that category, there is no כרת. So, we can answer for מאיר ר' that even though רות וערפה did not convert, they did become גרי תושב so מחלון וכליון were not עובר כרת in marrying them.

The רדב"ז in רמב"ם קלב does raise the following question: Even though we can say that גר תושב doesn't constitute אל נכר בעל בת אל נכר (from the aforementioned posuk in מלאכי ב,יא), it would still fit into the other part of the posuk כי חלל יהודה קדש ה' to marry, and therefore the כרת should still apply? The sefer הדרת קדש answers that the חלל כי חלל would still need to be בפרהסיא (with ten witnesses) in order to qualify as an איסור. Therefore, there is no כרת present because they were not אל נכר בעל בת אל נכר nor were the marriages done in a חלול fashion. A strong source for this proposition is the רמב"ם who writes in יב,ב that the issue of having a zenus relationship with a non-Jewish woman is only a גזירה דרבנן (with which comes מלקות מרדות) lest one come to really marry her and be לא תתחתן. From the fact that the רמב"ם only gave the reason for the מלקות מרדות as maybe leading to לא תתחתן and not because of an איסור כרת shows us that there does exist a case of living with a non-Jew which is not inherently אסור, rather only מדרבנן. The minimal situation of עבירה which would only transgress איסור דרבנן is our case of גר תושב not בפרהסיא.

The fourth עבירה in marrying a non-Jew is merely מדרבנן, and since it was enacted by the מחלון וכליון (עבודה זרה לו : see) ב"ד חשמונאים who lived much before that time.

While we have answered how מחלון וכליון successfully avoided any עבירות with marrying a non-Jew, I do want to add one point that R' Dovid Kronglass the Brisker Rov both said. It is possible to learn ר' שמעון as holding מחלון וכליון married them as non-Jews. Even though the issue we had with this originally was the איסור לא תתחתן, we did say that they were גרי תושב to side-step the כרת. Now the question becomes whether לא תתחתן במ applies to גר תושב or not. מצוה תכז in מנחת חנוך says that it does still apply, but the רדב"ז (פרשת ואתחנן), פנים יפות, and Brisker Rov all hold that there is no such גר תושב by לאו. The strong סמך to the latter opinion is the fact that there are three other תחרים אתם לאתכרת להם ברית ולא תחנם mentioned in the previous posuk: (דברים ז, ב). רמב"ם in פרק ו' writes that these עבירות do not apply if the non-Jew is a גר תושב. It is quite compelling to suggest that לא תתחתן, which immediately follows, does not apply to a גר תושב.

In closing, we can conclude that according to ר' מאיר they were either גויים or גרי תושב but according to ר' שמעון they were either גרי תושב or outright גיורות.