

## Rabbi's Article II

### *The Unanswered Question*

Balaam (-[Link](#)) advised Balak (-[Link](#)) to have his girls sent to the Israelite camp to entice the Israelites with adultery and idolatry, which would awaken the wrath of G-d causing a plague to break out in the Israelite camp. And so it was, that the plague killed 24,000 Israelites. Our sages tell us (-Sanhedrin 82a) that the culmination of the story was: "*Zimri, (prince of the Tribe of Shimon)... went to Cozbi, daughter of Zur, princess of Midian ...and brought her before Moses. Zimri said to Moses, 'Son of Amram, is this woman forbidden or permitted? And if you say that she is forbidden, as for the daughter of Yitro (a Midianite) who permitted her to you? The law (with regard to the proper course of action when encountering a Jewish man engaging in intercourse with a gentile woman) eluded Moses... 'And Phinehas (-[Link](#)), son of Elazar, son of Aaron the priest, saw and arose from the midst of the congregation and took a spear in his hand' ...He saw the incident taking place before him and he remembered the law. He said to Moses: ...Did you not teach me ...One who engages in intercourse with a gentile woman, zealots strike him? Moses said to him: Let the one who reads the letter be the agent to fulfill its contents.*" Phinehas then pierced both Zimri and Cozbi with the spear, killing them, and the plague ended.

The question begs to be asked: (i) What is the answer to Zimri's question concerning Moses' Midianite wife, and, (ii) why didn't Moses answer the question? The simple answer is that Moses' marriage was prior to the giving of the Torah, and henceforth, was permissible. However, (i) Zimri would have known this simple answer, so why the question, and (ii) why didn't Moses give Zimri this answer? Therefore, Zimri's question was not that Moses was not allowed to marry a Midianite wife, but rather, Moses --during the inauguration of the Tabernacle-- served as a *Kohain*, and a *Kohain* is not allowed to marry a convert! And if the reason for a convert being prohibited to a *Kohain* doesn't apply for Moses' Midianite wife, then why should Cozbi the Midianite be prohibited to Zimri?

The Rebbe sites many different opinions concerning: (i) Were the Jews non-Jews until Mount Sinai, where they had to be converted? (ii) And if yes, did the conversion then apply retroactively, and hence, they didn't have to remarry their wives, or did they have to get remarried? (iii) Additionally, were their marriages in Egypt considered Jewish legal marriages? (iv) Was Moses a *Kohain* for the days of the Tabernacle's inauguration? Did he remain so? (iv) Did he become a *Kohain* --carrying all the laws of a *Kohain*-- at all, or did he just serve as a *Kohain*? (v) And lastly, when G-d, at Mt. Sinai --after the *Ten Commandments*-- told Moses that --unlike the rest of the nation, who were to return to their tents (wives)-- he should stay with G-d, was G-d telling Moses to divorce his wife? And if not, did Moses anyway divorce his wife, or did he just stop having marital relationships with her, being that Moses had to always be purified, ready for G-d to come, unannounced, and speak to him?

The Rebbe follows the thought that: (a) The Israelites (and Tziporah), did convert at Mt Sinai. (b) Moses' father, Amram, introduced to his generation in Egypt the laws of a Jewish marriage, and hence, there was no need for getting remarried after Mt. Sinai. (c) Moses was legally a *Kohain*. And (d) while Moses, as a prophet, stopped having marital relations with his wife, he did not divorce her.

The reason why Moses, as a *Kohain*, did not have to divorce Tziporah, is precisely because his pre-Torah marriage was a kosher legal Jewish marriage, so, Moses didn't have to remarry her. And when Moses did marry Tziporah, he was allowed to marry her, for then, he was a Levite, and not a *Kohain*.

Concerning the prohibited marriages for a *Kohain* the verse states (-Leviticus 21:14), "*When he will take a wife.*" Now, if when the *Kohain*, "*took a wife,*" she was permissible to him, he does not need to divorce her later, when she is prohibited to him. For example, a regular *Kohain* may marry a widow, while a *Kohain Gadol* (High Priest) isn't. However, if a *Kohain*, who married a widow, then becomes a *Kohain Gadol*, he does not have to divorce his (ex-widow) wife. So too, concerning the wife of the now *Kohain* Moses, who when he married Tziporah, she was permissible to him, and hence, Moses is not a *Kohain* who, "*when he will take a wife,*" had a prohibition here, and hence, he does not have to now divorce her.

Why did Moses not tell this to Zimri, as an answer to Zimri's question? The reason is because this extrapolation from, "*When he will take a wife,*" is not a *Written Torah Law*, but rather, is a *Received Oral Tradition Law*, which Moses received at Mount Sinai. Our sages teach us (-Avodah Zorah 77a; brought as law (Ram"n, Yoreh Deah, 242)): "*Rav said: Every Torah scholar who issues a legal ruling (based on a tradition he claims to have received from his teacher, and that ruling has practical ramifications for himself as well,) if he stated (the ruling already) before the incident, (i.e., before it had a bearing on his own case), one listens to him; but if not, one does not listen to him, (as he is an interested party).*" Therefore, being that Moses never taught this *orally received* law prior to Zimri bringing Moses' marriage into question, Moses can not now give this law to justify his own marriage. Hence, (i) Moses couldn't now teach this *orally received law*, and (ii) being that he didn't teach it prior to everyone<sup>1</sup>, they did not know to give this answer.

The two lessons here are:

- (i) When a question is asked, but to taunt one's faith, he should not answer, but to move forward with conviction.
- (ii) Because Moses couldn't answer, and Phinehas had to, it took a strict action of justice, in which people were killed. However, when Moses, a Rebbe, takes care of even such negative events, it is done with kindness and goodness.

1. Moses' teaching it to Aharon and Aharon's sons, doesn't help, because (i) they are his family, and (ii) Elazar, son of Aharon, a *Kohain*, married Tziporah's sister, and hence had the same issue as Moses.