

In the Presence of the Almighty¹

The Compromise Between Moshe and the Tribes of Gad and Reuven

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The Biblical narrative² concerning the tribes of Gad³ and Reuven, and their desire to receive their tribal portions in the Transjordan, the eastern bank of the Jordan river, is a particularly challenging episode to understand.

First and foremost, one wonders how such an audacious proposal⁴ could have been made on the part of these two tribes. As Moshe immediately responds, this does appear to be a rejection of the Land of Israel proper, as delineated by the geographic boundaries recorded just a few chapters later in the Torah⁵.

Given the very tragic history involved with respect to a failure to appreciate the Land of Israel, duly noted by Moshe as the undoing of the previous generation in the context of the spies, it seems almost unfathomable that two entire tribes could even contemplate making such a request, notwithstanding the material benefits which they hope to accrue in this land which is so suitable for cattle grazing. How, exactly, did Gad and Reuven *think* that Moshe would react?

Second, in light of the end of the story, in which Moshe does arrive at a compromise with these tribes, one wonders how Moshe's attitude could have changed so drastically from a point of total opposition to one of acceptance. Initially, Moshe accuses these tribes of being as insidious as the spies were in the previous generation, literally leading the Jewish people down the path of annihilation⁶.

¹ I would like to dedicate this essay, with its focus on both the national and spiritual dimensions of the Land of Israel, and, in particular, the capacity to radiate spirituality outwards from Zion, to the memory of Rav Yehuda Amital, zt"l, Rosh Yeshiva of Yeshivat Har Etzion, on his tenth yearzeit. In their many *shiurim* and *sichot*, and even more so, in their shared life's work, in creating Yeshivat Har Etzion, they educated toward the spiritual opportunities intrinsic to the Land of Israel, per se, as well as its capacity to project and radiate ideals outward from that *sanctus terra*, 'כי מציון תצא תורה ודבר ה' מירושלים.

² BeMidbar 32:1-34.

³ The ordering is intentional. The consensus view amongst the commentaries is that the tribe of Gad, somewhat counterintuitively relative to both their birth order and birth mother, was primary relative to Reuven. See Ibn Ezra (BeMidbar 32:2), Chizkuni (ibid), Ramban (32:1-2), who all subscribe to this notion. I will maintain this order, of Gad, and then Reuven, throughout this brief essay.

⁴ See Rashi 32:19 s.v. *כי באה נחלתנו*, who understands that Gad and Reuven are not merely making a request, but presenting a *fait accompli*. See Ramban (ibid), who finds this, at least in his first response, a bridge too far to cross. Remarkably, however, in his second interpretation, he may render their actions far more radical even than Rashi's presentation, as they are essentially telling Moshe that there is nothing he can do to stop them from eventually abandoning the Land of Israel.

⁵ BeMidbar 34:10-12, which details the eastern boundary of the Land of Israel. It clearly does not include the Transjordan.

⁶ BeMidbar 32:14-15, *ושחתם לכל העם הזה*.

How, then, is Moshe able to make peace with this proposal? Not only does Moshe seem to accept, on the conditions described below, Gad and Reuven's presence in the Transjordan, but he even initiates the entry of another tribe into the equation, as a portion of the tribe of Menashe is sent to the northern portion of the land in question⁷. One can hardly conjure up an analog in the entirety of the Chumash in terms of the degree of Moshe's apparent *volte-face*, especially one concerning such a crucial issue.

It seems to me that to fully appreciate the dynamic in this compromise, which, according to R. Meir⁸, becomes, halakhically speaking, the template for all conditional agreements governing future events, we need to thoroughly investigate the particular formulations in the text of this chapter in the Torah.

First, it is abundantly clear that Gad and Reuven had no premeditated intention of seeking out the conquered lands of Sichon and Og as their eternal inheritance. They could not possibly have, as the battle against Sichon and Og was not initiated by the Jewish people altogether. As is recorded both in Sefer BeMidbar (Chapter 21) as well as recounted in Sefer Devarim (Chapter 2), Moshe sent a peace delegation to Sichon, which he summarily rejected.

Indeed, if one looks carefully at the text of this chapter, it is clear that Reuven and Gad make an *ex post facto* calculation concerning their acquisition of this land. The Torah opens the chapter by observing that these tribes had an enormous amount of cattle, and then notes, וַיִּרְאוּ אֶת אֶרֶץ יַעֲזֵר וְאֵת אֶרֶץ גִּלְעָד וְהַנָּהָה הַמִּקּוּם מִקּוּם מְקוֹנָה⁹. In other words, only upon assessing the conquered lands did this idea even occur to these tribes. There was clearly no premeditated rejection of the Land of Israel here as some have attributed to the spies¹⁰.

Second, and more importantly, these two tribes immediately attribute the victories over the Amorite kings Sichon and Og to Divine assistance, הָאֶרֶץ אֲשֶׁר הִכְהֵהוּ לְפָנֵי עַדְתִּי יִשְׂרָאֵל¹¹, it is the land which God has delivered into the hands of the Jewish people. This statement on the part of Gad and Reuven is significant on two levels. First, it quite explicitly demonstrates that these tribes, unlike the spies, had not lost their faith in the power of the Almighty. Second, it provides a *prima facie* rationale for these tribes to have believed that there was a chance that their request, made in clearly respectful terms, אִם מִצְאֵנוּ חֵן בְּעֵינֶיךָ, of Moshe, Elazar, and the rest of the tribal princes, might be accepted. After all, if God had delivered this land to the Jewish people in a stunning and surprise victory, perhaps

⁷ BeMidbar 32:33. The precise reason why Menashe was chosen is subject to dispute. See Ramban (ibid) who conjectures that they too were cattle herders, whilst the Chizkuni (ibid) has a gloomier point of view concerning the tribe of Menashe being split into two portions.

⁸ Talmud Bavli Kiddushin 61a.

⁹ BeMidbar 32:1.

¹⁰ See Rashi to BeMidbar 13:16, s.v. וַיִּשׁוּבוּ וַיִּבְאוּ.

¹¹ BeMidbar 32:4.

it might be construed as God's own desire for the Jewish people to annex this territory to the land west of the Jordan.

The respectful nature of this spontaneous request, along with their attribution of victory to God, is nonetheless not close to enough for Moshe. Why not? Why does Moshe compare these tribes to the spies¹²?

The answer, it seems from the text, is threefold: first, Moshe notes that there is something fundamentally unacceptable, on the fraternal level, for members of the Jewish people to sit comfortably at home while their brothers are exposed to mortal danger on the field of battle, as Moshe says, incredulously, ¹³האחיכם יבאו למלחמה ואתם תשבו פה¹⁴?

Second, given the fearful prospect¹⁵ that the rest of the Jewish people are facing, that of having to conquer all of the city states of Canaan, surely Gad and Reuven's decision to accept the Transjordan as their eternal portion would have seemed quite attractive to the rest of the Jewish people, who might similarly eschew crossing the Jordan river entirely.

Third, and finally, Moshe expresses a concern that the stated desire not to enter 'ארץ אשר ה' אלוהיך דורש אותה, the Land where God's presence is most intensely felt, is actually a rejection of the Almighty himself, as Moshe says, ¹⁶כי תשובון מאחריו, you are not merely retreating from the Land of Israel, but from the God of Israel.

We can now well appreciate how Gad and Reuven's offer to serve as the vanguard of the Jewish army, and not to return 'home', as it were, until the Jewish people, aided, in no small measure by their own frontline service, had conquered the Land of Israel, addressed the first two of Moshe's objections. Surely, Gad and Reuven's commitment to not only enlist in the armed forces, but to serve

¹² Onkelos' formulation (ibid, 32:14) is particularly striking, rendering תרבות אנשים חטאים as תלמידי גובריא חייביא, as if Gad and Reuven had actually studied the insidious plot of the spies.

¹³ Seforno (32:6, s.v. האחיכם יבאו למלחמה) takes the position that Moshe considered this proposition, that of Reuven and Gad sitting in the Transjordan whilst the rest of the Jewish people fought for the Land of Israel so outlandish that Moshe concluded that there simply was no way that these tribes could seriously have imagined such a scenario occurring. Rather, Moshe concluded, knowing that the rest of the Jewish people would never accept such a blatant abandonment of national responsibility, Reuven and Gad must deviously have made such a request so as to influence the entire nation not to cross the Jordan altogether. In essence, Seforno collapses the first two reasons for Moshe's objections, which I have presented as distinct, into a singular point of resistance.

¹⁴ Ibid, 32:6.

¹⁵ It is important to bear in mind that the Jewish people had only conquered two kings, in Sichon and Og, and nothing on the scale of the dozens which they would have to battle in the Land of Israel. Moreover, the Jewish people had never achieved any victory without Moshe, which is precisely the scenario which the Jewish people were facing at this historical juncture. Simply put, there was good reason for them to be concerned, and by extension, for Moshe to be concerned about their fragile psychology.

¹⁶ Ibid, 32:15.

in the frontlines, would be sufficient to mitigate any charges of both abdication of national duty. Second, their willingness to confront even greater danger than the rest of the Jewish people in the battle for the Land of Israel would have substantially mitigated Moshe's second concern, that of these two tribes influencing the rest of the Jewish people not to bother with the conquest of the Land of Israel.

Yet, Moshe's third concern, that of Reuven and Gad, in effect, turning their back on proximity to the Almighty, remains unaddressed. After all, they will, at some point, cross back over to the Eastern side of the Jordan, and return home¹⁷. Is this not, then, to some degree, a rejection of the Almighty Himself¹⁸?

In consideration of Moshe's ongoing concern regarding the long-term commitment of these tribes to their relationship with God, it is extremely illuminating to study Moshe's response to the offer of Gad and Reuven to serve as the vanguard of the Jewish people.

The tribes of Gad and Reuven had offered to travel in front of the Jewish people, וְאֶנְחֵנוּ נֶחֱלֵץ חֲשִׁים לְפָנֵי בְנֵי יִשְׂרָאֵל¹⁹. Moshe, though, has something completely different in mind:

וַיֹּאמֶר אֲלֵיהֶם מֹשֶׁה אִם תַּעֲשׂוּן אֶת הַדָּבָר הַזֶּה אִם תִּחְלְצוּ לְפָנַי יִקְוֶה לְמַלְחָמָה:
וְעָבַר לָכֶם כָּל חִלוּץ אֶת הַיַּרְדֵּן לְפָנַי יִקְוֶה עַד הוֹרִישׁוּ אֶת אֲבִיו מִפְּנֵי:
וְנִכְבְּשָׁה הָאָרֶץ לְפָנַי יִקְוֶה וְאַחַר תֵּשְׁבוּ וְהֵייתֶם נָקִים מִיִּקְוֶה וּמִיִּשְׂרָאֵל וְהֵייתֶה
הָאָרֶץ הַזֹּאת לָכֶם לְאַחֲזָה לְפָנַי יִקְוֶה: וְאִם לֹא תַעֲשׂוּן כֵּן הִנֵּה חֲטַאתֶם לִיקְוֶה וְיָדְעוּ
חֲטַאתְכֶם אֲשֶׁר תִּמְצָא אֶתְכֶם: (במדבר לב:כ-כג)

¹⁷ While the imperative to reside in the Land of Israel in Rambam's view has been the subject of enormous controversy, given his omission of a specific mitzvah in Sefer HaMitzvot, contra Ramban's celebrated position affirming such a command (see both his commentary to Sefer BeMidbar 33:53 as well as his glosses to Sefer HaMitzvot, שכחת העשין מצוה 'ד), there is no question whatsoever regarding the severity with which Rambam treated what he deemed an unjustified exit of the Land of Israel, once one had established residence there. See Sefer Melakhim 5:9. It is absolutely striking to note that Rambam, in seeming affirmation of a mitzvah to live in the Land of Israel, לעולם ידור אדם בארץ ישראל אפילו בעיר שרובה, (ibid 5:12) only does so some three halakhot after he has established a prohibition to leave the Land of Israel, and in the latter context, where Rambam does utilize the affirmative formulation of the importance of residing in the Land of Israel, he twice repeats the earlier, negative formulation concerning leaving the Land of Israel. It may very well be for Rambam that there is a particular stigma attached to actively withdrawing from the spiritual opportunities presented by the Land of Israel, over and above the mandate to seek out those spiritual opportunities. As such, the proposed maneuver of the tribes of Reuven and Gad might be perceived of as particularly problematic from Rambam's vantage point.

¹⁸ At the very moment in Sefer Yehoshua (Chapter 22 especially verses 15-19) when Reuven and Gad (as well as elements of Menashe) do return home, and erect a monument which reflects their commitment to the entirety of the Jewish people and the God of Israel, they are suspected by the rest of the Jewish people of having constructed an idolatrous altar. A civil war is only narrowly averted. It is striking that the Jewish people, in accusing these three tribes of idolatry, use precisely the same language which Moshe utilized, לשוב היום מאחרי ה', as well as ואתם תשובו היום מאחרי ה', in describing their actions. In other words, Moshe's third concern was never fully alleviated, and continued to lurk in the hearts of the Jewish people for another generation.

¹⁹ Ibid, 32:17.

Three times, Moshe uses the expression 'לפני ה', to come before God. Moshe is prepared to accept Gad and Reuven's proposal, only in so far as entering the Land of Israel is an act of coming²⁰ לפני ה'. It is not sufficient for Gad and Reuven to fight in front of the Jewish people, לפני בני ישראל, but they must perceive of themselves as being לפני ה'. Moshe trusts that this experience, will have the necessary transformative impact on these tribes of establishing the long term bond which will keep them in the fold generations hence, even after they return to the far side of the Jordan.

As Moshe continues, if these two tribes enter and fight for the land west of the Jordan, the land which is לפני ה', then they will be able to extend that sense of לפני ה' to the eastern bank of the Jordan²¹, והיתה הארץ הזאת לכם לאחזה לפני ה'. In context, this is perhaps what Moshe meant when he uttered what became one of Chazal's most celebrated phrases²², והייתם נקיים מה' ומישראל²³. It is not sufficient for you, the tribes of Gad and Reuven, to do right by the Jewish people. You must, first and foremost, ensure that you are doing right *vis a vis* your relationship with the Almighty, and not allowing your own material self-interest to come at the expense of something of far greater, non-quantifiable value, your relationship with the Almighty, as Moshe concludes, the sin would transcend the national-fraternal realm, but would directly impact their relationship with the Almighty, ואם לא תעשו כן הנה חטאתם לה'.

The tribes of Gad and Reuven get the message.. In amending their previous statement²⁴, these tribes no longer describe their future mission as being merely in front of the people, לפני בני ישראל, but rather, on two separate occasions as לפני ה'²⁵.

As such, one may indeed reconceptualize the nature of Gad and Reuven's serving as a vanguard in the battle for Israel proper. True, there was a national-fraternal dimension, one meant to ensure that they were not shirking their responsibilities to the Jewish people, a direct response to

²⁰ See Ibn Ezra (ibid, 32:22), who attributes this status of לפני ה' to the presence of the Aron.

²¹ The idea that the sanctity of the Land of Israel must extend and radiate outwards from Israel proper is well established in halakha. See Rambam Terumot 1:2-3, regarding David's conquests. In this connection, it is important to note that Reuven and Gad only returned home following the distribution of the land, which, according to Rambam (ibid), was the decisive moment in determining the status of the Land of Israel. While according to Seforno (BeMidbar 32:28, 32:33) Reuven and Gad actually took formal title during Moshe's lifetime, which would run contrary to this line of argument, Ramban appear to disagree on precisely this point (ibid, 32:29).

²² See, for example, Mishnah Shekalim 3:2, Talmud Bavli Yoma 38a, Pesachim 13a. Ironically, in all of those instances, Chazal utilize the expression in precisely the opposite sense in which it is meant in the Torah, namely as a mandate to do the right thing not only in God's eyes, but in the eyes of people as well.

²³ Ibid, 32:22.

²⁴ It is interesting to note that Yehoshua, both when first addressing the tribes of Gad, Reuven, and Menashe, as well as upon sending them home, refers to their fighting לפני אחיכם (Yehoshua 1:14, 22:3). In fairness, however, Yehoshua is unequivocal in issuing precisely the same warning as Moshe, namely, that the geographic distance not create spiritual attrition, See Yehoshua 22:5, in which Yehoshua urges not only fidelity to the commandments, but, all importantly, a sense of אהבה and דביקות as well.

²⁵ Ibid, 32:27, 32:32.

Moshe's charge, **האחיכם יבאו למלחמה ואתם תשבו פה**. Second, in so doing, these tribes would prevent the catastrophic scenario first envisioned by Moshe, of an entire nation dwelling in the Transjordan, **ולמה תניאון את לב בני ישראל**. To satisfy these two purposes, however, there really would have been no need for these tribes to remain for an additional seven years during the distribution of the conquered territory.

Thus, one might conclude, entering the land of Israel, not only for the conquest, but remaining for the distribution²⁶, was essential for Gad and Reuven themselves. Only by first entering the Land of Israel, experiencing²⁷ **דוכתא דמשה ואהרן לא זכו לה**, imbibing the proximity to the Divine presence captured in those inimitable words, **תמיד עיני ה' אלהיך בה**, and specifically, by waiting for the sanctity of the Land of Israel to be fully activated after its distribution to the tribes²⁸, could Gad and Reuven turn around and project a certain degree of that quality into the Transjordan²⁹, what had heretofore been nothing more than *Chutz La'aretz*.

Moshe, in hearing that these tribes internalized his message that they must not allow the narrow waters of the Jordan to create a far greater distance between themselves and the Almighty, accedes to their request. He is now confident that the Transjordan, as a projection of the sanctity of the Land of Israel proper, could truly be an **אחוזת לפני ה'**, an eternal portion in the presence of the Almighty.

²⁶ See Malbim to Sefer Yehoshua 1:15.

²⁷ Talmud Bavli Ketuvot 112a.

²⁸ While the mitzvah of hafrashat challah began immediately with the crossing of the Jordan, the rest of this genre of mitzvot, which are contingent upon the Land itself, were only activated after the fourteen years of conquest and division.

²⁹ The precise halakhic status of **עבר הירדן**, both with respect to **שם ארץ ישראל**, and **קדושת ארץ ישראל**, is beyond the scope of this essay.