

In the Presence of the Almighty

The Compromise Between Moshe and the Tribes of Gad and Reuven

Rabbi Daniel Fridman

The Biblical narrative¹ concerning the tribes of Gad² 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 proposal³ 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 Torah⁴.

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 annihilation⁵. 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

¹ BaMidbar 32:1-34.

² 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 (BaMidbar 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.

³ See Rashi 32:19 s.v. *כי באה נהלתנו*, 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.

⁴ BaMidbar 34:10-12, which details the eastern boundary of the Land of Israel. It clearly does not include the Transjordan.

⁵ BeMidbar 32:14-15, *ושחתם לכל העם הזה*.

portion of the land in question⁶. 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.

II.

To more fully appreciate the dynamic in this compromise, which, according to R. Meir⁷, 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 BaMidbar (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, "*va'yiru et eretz yazer v'et eretz gilad v'hinei ba'makom mikom mikneh*"⁸. 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 spies⁹.

Second, and more importantly, these two tribes immediately attribute the victories over the Amorite kings Sichon and Og to Divine assistance, "*ba'aretz asher hikah Hashem lifnei adat Yisrael*"¹⁰, 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, *im matzanu chen b'einekha*, 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 it might be construed as God's own desire for the Jewish people to annex this territory to the land west of the Jordan.

⁶ BaMidbar 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.

⁷ Talmud Bavli Kiddushin 61a.

⁸ BaMidbar 32:1.

⁹ See Rashi to BeMidbar 13:16, s.v. וישוּבוּ ויבאוּ.

¹⁰ BaMidbar 32:4.

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 spies¹¹?

III.

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, ¹² “*ha’acheichem yavo’u la’milchama v’atem teshvu po*”¹³?

Second, given the fearful prospect¹⁴ 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 *eretz asher Hashem Elokecha doresh otah*, the Land where God’s presence is most intensely felt, is actually a rejection of the Almighty himself, as Moshe says, *ki tishvun me’acharav*¹⁵, 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.

¹¹ Onkelos’ formulation (ibid, 32:14) is particularly striking, rendering תלמידי גובריא הייביא as תרבות אנשים הטאים, as if Gad and Reuven had actually studied the insidious plot of the spies.

¹² 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.

¹³ Ibid, 32:6.

¹⁴ 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.

¹⁵ Ibid, 32:15.

Surely, Gad and Reuven's commitment to not only enlist in the armed forces, but to serve 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 home¹⁶. Is this not, then, to some degree, a rejection of the Almighty Himself¹⁷?

IV.

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, *va'anachnu nechaletz chushim lifnei Bnei Yisrael*¹⁸. Moshe, though, has something completely different in mind:

וַיֹּאמֶר אֲלֵיהֶם מֹשֶׁה אִם תַּעֲשׂוּן אֶת הַדָּבָר הַזֶּה אִם תִּחְלְצוּ לִפְנֵי יְקֹנֵךְ לְמַלְחָמָה:
וְעָבַר לְכֶם כָּל חַלּוּץ אֶת הַיַּרְדֵּן לִפְנֵי יְקֹנֵךְ עַד הוֹרִישׁוּ אֶת אִבְכִּיּוֹ מִפְּנֵי:
וְנִכְבְּשָׁה הָאָרֶץ לִפְנֵי יְקֹנֵךְ וְאַחַר תֵּשְׁבוּ וְהֵייתֶם נָקִים מִיִּשְׂרָאֵל וְהִיתָה
הָאָרֶץ הַזֹּאת לְכֶם לְאַחֲזָה לִפְנֵי יְקֹנֵךְ: וְאִם לֹא תַעֲשׂוּן כִּן הִנֵּה חֲטַאתֶם לִיקֹנֵךְ וְדַעוּ

¹⁶ 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, בעיר שרובה עובדי לעולם ידור אדם בארץ ישראל אפילו בעיר שרובה עובדי, 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 as particularly problematic from Rambam's vantage point.

¹⁷ 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, *la'shuv ha'yom me'acharei Hashem*, as well as *v'atem tashuva ha'yom me'acharei Hashem*, 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.

¹⁸ Ibid, 32:17.

חֲטֵאתֶכֶם אֲשֶׁר תִּמְצָא אֶתְכֶם: (במדבר לב:כ-כג)

Moses said to them, “If you do this, if you go to battle as shock-troops, before the LORD, and every shock-fighter among you crosses the Jordan, before the LORD, until He has dispossessed His enemies before Him, and the land has been subdued, at the before the LORD, and then you return—you shall be clear of the LORD and before Israel; and this land shall be your holding under the LORD. But if you do not do so, you will have sinned against the LORD; and know that your sin will overtake you. (BaMidbar 32:20-23)

Three times, Moshe uses the expression, *lifnei Hashem*, 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 coming *lifnei Hashem*¹⁹.

It is not sufficient for Gad and Reuven to fight in front of the Jewish people, *lifnei Bnei Yisrael*, but they must perceive themselves as being *lifnei Hashem*. 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 *lifnei Hashem*, then they will be able to extend that sense of *lifnei Hashem* to the eastern bank of the Jordan²⁰, *v’haita ha’aretz ha’zot la’achuza lifnei Hashem*.

In context, this is perhaps what Moshe meant when he uttered what became one of Chazal’s most celebrated phrases²¹, *v’hiyitem nekiyim me’Hashem u’mi’Yisrael*²². 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 this relationship. As Moshe concludes, such a sin would implicate not only the national-fraternal realm, but would directly impact their relationship with the Almighty, “*v’im lo ta’asun ken hinei chatatem la’Hashem*.”

¹⁹ See Ibn Ezra (ibid, 32:22), who attributes this status of *lifnei Hashem* to the presence of the Aron.

²⁰ 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 (BaMidbar 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 appears to disagree on precisely this point (ibid, 32:29).

²¹ 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, namely as a mandate to do the right thing not only in God’s eyes, but in the eyes of people as well.

²² Ibid, 32:22.

V.

The tribes of Gad and Reuven get the message.. In amending their previous statement²³, these tribes no longer describe their future mission as being merely in front of the people, *lifnei Bnei Yisrael*, but rather, on two separate occasions as *lifnei Hashem*²⁴.

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 Moshe's charge, *ba'acheichem yavo'u la'milchama v'atem teshvu po*.

Second, in so doing, these tribes would prevent the catastrophic scenario first envisioned by Moshe, of an entire nation dwelling in the Transjordan, "*v'lamah teni'un et lev bnei yisrael*". 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 distribution²⁵, was essential for Gad and Reuven themselves. Only by first entering the Land of Israel and experiencing the Land which even 'Moshe and Aharon did not merit'²⁶, imbibing the proximity to the Divine presence captured in those inimitable words, *tamid einai Hashem elokecha ba*, and specifically, by waiting for the sanctity of the Land of Israel to be fully activated after its distribution to the tribes²⁷, could Gad and Reuven turn around and project a certain degree of that quality into the Transjordan²⁸, what had heretofore been nothing more than *Chutz La'aretz*.

Moshe, 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

²³ 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 *lifnei acheichem* (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 ahavah and devekut as well.

²⁴ Ibid, 32:27, 32:32.

²⁵ See Malbim to Sefer Yehoshua 1:15.

²⁶ Talmud Bavli Ketuvot 112a.

²⁷ 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.

²⁸ The precise halakhic status of the Transjordan, both with respect to shem Eretz Yisrael, and Kedushat Eretz Yisrael, is beyond the scope of this essay.

Israel proper, could truly be an achuza lifnei Hashem, an eternal portion in the presence of the Almighty.