**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**PARASHAT HASHAVUA**

**Rav Yishai Jeselsohn**

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**Dedicated in memory of Myriam bat Yitele z”l
whose yahrzeit is Rosh Chodesh Av, by family Rueff**

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**PARASHAT MATOT-MASEI**

**"Bring us not over the Jordan"**

### I. Halakhic Details in Interpreting Narrative Sections of the Torah

The relationship between the Written Law and the Oral Law has raised questions and debates from the earliest times. Whereas the Written Law is often formulated in a narrative form that "ignores," as it were, weighty halakhic issues, the Oral Law delves into the finest details of everything a person does.

Sometimes the absence of halakhic discussion in a Biblical account screams out for explanation (e.g., in the story of Yaakov marrying two sisters), but sometimes the story is told in a natural and understandable way even without these details.

There are, however, many commentators, such as the *Kelei Chemda* and others, who make great efforts to reconcile the plain meaning of the verses with the halakhic details of the Oral Law. The *Or Ha-Chaim* also takes this approach in many places, and *Parashat Matot* provides a clear and beautiful example.

The children of Gad and Reuven appeal to Moshe with a request to remain on the east bank of the Jordan and not go with the rest of Israel to conquer the land. The Torah’s description of their request contains certain interesting details:

The children of Gad and the children of Reuven came and spoke to Moshe, and to Elazar the priest, and to the princes of the congregation, saying: Atarot, and Divon, and Yazer, and Nimra, and Cheshbon, and El’aleh, and Sevam, and Nevo, and Be'on, the land which the Lord smote before the congregation of Israel, is a land for cattle, and your servants have cattle. And they said: If we have found favor in your sight, let this land be given to your servants for a possession; bring us not over the Jordan. (*Bamidbar* 32:2-5)

The *Or Ha-Chaim* notes that there is a redundancy in the argument put forward by the children of Gad and Reuven:

Why did they have to spell out all the names of the cities they wished to claim as their inheritance? Why did they not simply say: "the land which the Lord smote, etc.?" Or, they could have detailed districts as described in 32:1: "the land of Yazer and the land of Gilad."

Furthermore, what need was there to say: "the land which the Lord smote"? Were there other lands with the same names, that it was necessary to distinguish these places from them? And if [the purpose was] to say that God smote them – who did not know this? (*Or Ha-Chaim* 32:3)[[1]](#footnote-1)

In verse 3, the children of God and Reuven list the names of the specific cities they wished to settle, and immediately afterwards, in verse 4, they refer to the cities more generally as "the land which the Lord smote." Why do they need this twofold description of the land in question? After all, both Moshe and the children of Gad and Reuven knew which cities God smote before the people of Israel. Why then is the account given twice?

The difficulty in this duplication opens a window for the *Or Ha-Chaim* to see in these verses a full, detailed dialogue between Moshe and the children of Gad and Reuven, that contains much more nuance than we may see at first glance.

### II. The Solution Before the Problem

According to the plain sense of the verses, the children of Gad and Reuven ask for the land on the east bank of the Jordan, because they have a lot of cattle, and Moshe responds with the famous argument:

Shall your brothers go to war, and shall you sit here? (*Bamidbar* 32:6)

Apparently, the children of Gad and Reuven had not thought of this as a problem at all.

However, this simple reading is a little difficult – after all, the children of Gad and Reuven had been living and journeying in the wilderness together with the rest of the people of Israel and were presumably familiar with God's promise to Moshe concerning the conquest of the land. They knew there was a holy land to be reached, and they knew that conquering it would involve war. Why, then, would they present such a strange request – to give up the land that God had designated for them and refrain from participating in the war together with the rest of the people of Israel?

On the face of it, this is indeed a baseless request that focuses exclusively on the needs of the two tribes without any consideration for God and His commandments, or for their brothers, the people of Israel!

In the *Or Ha-Chaim*’sunderstanding, however, the children of Gad and Reuven did not in fact put forward such a baseless and illogical claim. In order to understand this, and to answer the question of the redundancy that we saw above as well, the *Or Ha-Chaim* reads the verses carefully, with scholarly halakhic eyes.

The *Or Ha-Chaim* points out three arguments that could be made against the request of the children of Gad and Reuven – and he shows how they already addressed these three arguments in the careful wording of their brief initial appeal to Moshe.

Let us open with the arguments:

The fact is that these tribes were astute enough to present their claims in a manner which would not expose them to any objections. Theoretically, there could have been several objections.

1) Seeing that the lands in question had been conquered by the people as a whole, by what right did two tribes claim all of it for themselves? (*Or Ha-Chaim Bamidbar* 32:3)

In *Parashat Pinchas*, we learned how the Land of Israel is destined to be divided by lots; there is an assumption that the land belongs to all of the people of Israel, not to individuals. With what justification do the children of Gad and Reuven seek to take land that belongs to all of Israel and turn it into their private property?

2) How could these two tribes even have imagined that they would be allowed to live securely in a land which had already been conquered, while the other tribes would have to face war in order to secure their heritage? Why wouldn't every tribe want to be awarded the territory the tribe of Gad and Reuven were interested in, claiming that they too had no desire to endanger themselves in the forthcoming battle against the Canaanites? All this relates to going against the desire of Moshe and Israel. (*Or Ha-Chaim*, ibid.)

This argument is indeed raised by Moshe, according to the plain meaning of the verses, and it is the most blatant argument. What is the justification for refraining from participating in a war commanded by God and leaving the danger to others?

3) Moreover, these two tribes exposed themselves to the taunt that they had chosen to live outside the boundaries of the Holy Land! (*Or Ha-Chaim*, ibid.)

The last argument in concerned with an implied insult to the sanctity of the land. There is an explicit *mitzvah* to conquer the land,[[2]](#footnote-2) and even before the Israelites enter the land, the children of Gad and Reuven are already asking to leave it!

These three arguments certainly require explanation. The *Or Ha-Chaim* suggests seeing the redundancy found in verses 3-4 as arguments put forward by the children of Gad and Reuven in order to counter the clear difficulties arising from their request.

We will answer the three arguments in order.

### III. Ownership of the Land

We saw above that after spelling out the names of the places, the children of Gad and Reuven go on to include all the places under the heading, "the land which the Lord smote." The *Or Ha-Chaim* understands that this generalization comes to make an important point regarding the ownership of the land:

The tribes Reuven and Gad were therefore careful to word their initial request with a view to neutralizing the objections which we have just listed. They incorporated the answers to the three objections we described in their opening statement. This is why they mentioned both Atarot, etc., as well as "the land which God smote." Concerning the argument that the lands of Sichon and Og had been conquered by all the tribes, they replied that these lands had not been conquered by natural means but that God had smitten those kings, so the claim of the other tribes to have waged a battle for these lands simply did not stand up to examination. As a result of Divine intervention, these lands were God's to allocate, and their claim did not interfere with the rights of the other tribes. (*Or Ha-Chaim*, ibid.)

The children of Gad and Reuven challenge the simple assumption that the land belongs to the people of Israel and argue that in fact it belongs to the Master of the Universe. Although "the heavens are the heavens of the Lord; but the earth has He given to the children of man" (*Tehillim* 115:16), before the Land of Israel was divided up among the tribes, it did not belong to a particular person, or even to the people of Israel as a whole, but rather it was God's property. After the division, the land belonged to the people of Israel, but the request of the children of Gad and Reuven was made before that, when the land still fell under the heading, "the land which the Lord smote"; it belonged to God, not to man. Thus, we can see why the children of Gad and Reuven appealed to Moshe and not to the nation.[[3]](#footnote-3)

### IV. The War

The same redundancy provides an answer for the second argument – how could the children of Gad and Reuven remove themselves from the war fought by the rest of Israel?

As to the second argument, that the other tribes would have to endanger themselves while the tribes of Reuven and Gad were "sitting pretty," they said that such an argument could only be sounded if the Israelites had to conquer the Canaanites by their own effort. Seeing that it was God who would fight on their behalf, the conquest of Canaan would proceed on the same lines as that of the lands of Sichon and Og. The other tribes would therefore not be in greater danger than they had been when the lands of Sichon and Og were conquered…. In view of this assurance, Reuven and Gad felt that the other tribes could not claim they were being abandoned and would have to face danger all by themselves. (*Or Ha-Chaim*, ibid.)

The Land of Israel was not conquered by way of a natural war. We know this after the fact from the war of Jericho, the conquest of Ai, and the stopping of the sun in Giv'on and of the moon in the Ayalon valley. While it is true that the children of Gad and Reuven had not yet encountered these events, they were very familiar with God's promise regarding the wars of the Land of Israel.

The argument of the children of Gad and Reuven, therefore, is quite logical: since the conquest of the land will in any event be miraculous, their participation in the war, or abstention from it, will not change anything. There is no issue here of fear or concern, but the recognition of God’s promise that He will fight the battle, not those going out to war.

This approach of the *Or Ha-Chaim* seems to be flawed, because Moshe himself makes this very argument against the children of Gad and Reuven, as we already mentioned. If they preempted this argument by noting that it is God who will smite the inhabitants of the land, why does Moshe still argue that they should not remain behind when the rest of the people are fighting? If the *Or Ha-Chaim* is right about the words of the children of Gad and Reuven, then Moshe's response seems to be meaningless.

However, the *Or Ha-Chaim* suggests a novel interpretation of Moshe's claim, one that sharpens the exceedingly complex relationship between faith in God and the need for human action:

He also responded to the argument that in the future too, God would do the fighting so that their participation was irrelevant. He told them that it was quite true that God would do the fighting, but the army of the Israelites had to be present and prepared to do battle. (*Or Ha-Chaim*, *Bamidbar* 32:6)

It is true that it is God who will fight on behalf of the Israelites in the land of Canaan, but the Israelites must be present as the tools of war in His hand. Israel's wars of conquest were full of miracles, but those miracles were always performed together with the people who were engaged in battle. The *Or Ha-Chaim* learns this from a precise reading of Moshe’s words:

He did not say: "Shall your brothers do battle," but rather he said: "Shall your brothers **go** to war," indicating that he was asking only about their coming to the battle. Moshe accused the two tribes of contradicting themselves, as they were well aware that even though God had done the fighting that resulted in the conquest of the lands of Sichon and Og, nonetheless, it had involved great effort by the men of Israel. The same would occur in the future. By what right did they think they could merely reap the benefits of others’ efforts? (*Or Ha-Chaim*, ibid.)

Indeed, the children of Gad and Reuven were not needed for the fight, but they had to "come" to the battle. The very effort of going with the camp of Israel is one regarding which they should not separate themselves from the rest of Israel.

The words of the *Or Ha-Chaim* here reflect the delicate relationship between faith in God and the need for human action. God fights on behalf of the people of Israel, but in order to succeed in war, a person must make himself present in it. God does not act in a vacuum; rather, after man opens a small opening down below, God opens for him an opening the size of a hall up above (see *Shir Ha-Shirim Rabba* 5, 2).

### V. Leaving the Land of Israel

The third argument relates to the idea of preferring to live outside the Promised Land. The discussion relating to this argument is essentially an examination of the status of territory that does not fall within the boundaries of the Promised Land, but nevertheless was conquered by Israel. A similar issue arose in the days of King David, who conquered Syria, which is not included in the country's borders. The *Or Ha-Chaim* notes that this conquest did not make Syria part of the Holy Land.

The Rambam writes as follows in chapter 1 of *Hilkhot Terumot*: "Whenever mention is made of the Land of Israel, the intent is the lands conquered by a King of Israel or a prophet with the consent of the entire Jewish people. This is called 'a conquest of the community.' If, however, an individual Jew, a family, or a tribe go and conquer a place for themselves – even in the land given to Avraham – it is not considered as the Land of Israel."[[4]](#footnote-4) And he writes further there concerning the lands conquered by David: "Why was its level considered lower than that of the Land of Israel? Because David conquered them before he conquered all of the Land of Israel. Instead, there were still members of the seven nations there." (*Or Ha-Chaim* 32:2)

From the Rambam's explanation it appears that territory conquered by an individual prior to the conquest of the entire land does not become fully sanctified. Thus, the cities conquered before Israel entered the land do not have the full sanctity of the Land of Israel and the argument against the two tribes’ desire to remain on the east bank of the Jordan seems to be valid!

The children of Gad and Reuven address this issue in two ways.

First, these cities were considered a "conquest of the community," and not of an individual, as may be learned from a precise reading of the verse:

This is what the children of Gad and Reuven meant when they said: "the land which the Lord smote **before the congregation of Israel**." That is to say, this territory has the sanctity of the Land of Israel, as it was conquered before the congregation of Israel, and the conquest of the community is treated like the Land of Israel for all purposes. (*Or Ha-Chaim*, ibid.)

In addition, this territory was conquered at the commandment of God and was part of the conquest of the land, and therefore it is not at all a conquest that *preceded* the conquest of all of Israel:

As for the statement in the *Sifrei* that territory conquered outside the Land of Israel prior to the conquest of the Land of Israel does not enjoy the status of the Land of Israel, and the land of Sichon and Og was conquered before the Land of Israel, they negated this argument [as well] with the statement: "which the Lord smote," that is to say, this conquest was different, as it was at the word of God, as He said to Moshe about the land of Sichon: "Begin to possess his land," as is stated in *Parashat Devarim* (2:31)…

There is also good logic to support such a view – for we are not dealing with two conquests, one of the Land of Israel and one outside the Land of Israel, and that outside the Land was conquered before the Land, as David did when he conquered Aram Tzova before taking possession of the Yevusites.... On the contrary, the conquest of the land of Sichon and Og was necessary for the conquest of the Land of Israel, so that they could pass through it to conquer Israel. They had already sent words of peace asking for passage through his land, but he did not agree.

Hence, there is no complaint against their request from God or from Israel. (*Or Ha-Chaim*, ibid.)

### VI. Conclusion

We have seen how, in his usual manner, the *Or Ha-Chaim* brilliantly combines several worlds.

On the one hand, the plain sense of the verses, which raises both textual and logical questions: What brought the children of Gad and Reuven to make such a strange request?

On the other hand, the Torah scholarship that deals with the sanctity of the Land of Israel and with ownership of it.

In addition, the *Or Ha-Chaim* demonstrates his ability to integrate into all of this principles of faith regarding the relationship between trust in God and the need for human effort. This rare combination is one of the outstanding characteristics of the *Or Ha-Chaim*, Rabbi Chaim Ben Attar, who succeeds in his broad-minded manner in combining all the different ends into a single interpretation.

You, the reader, are invited to examine in detail the *Or Ha-Chaim's* commentary on the entire *parasha*,where there is much more than the drop from the sea that we have brought here.

(Translated by David Strauss)

1. Editor’s note: Excerpts from the *Or Ha-Chaim*’s commentary are primarily taken from the explanation in English of Rabbi Eliyahu Munk, available at Sefaria.org, and may not be direct translations. [↑](#footnote-ref-1)
2. The Ramban lists this as the fourth positive commandment omitted by the Rambam. The Rambam does not have an explicit mitzvarelating the settlement of the Land of Israel, but it is clear from his words elsewhere that leaving the land is halakhically problematic. See, for example, *Hilkhot Ishut* 13:19 and *Hilkhot Melakhim* 5:9. [↑](#footnote-ref-2)
3. See at length the *Or Ha-Chaim's* commentary to verse 2, where he explains why the children of Gad and Reuven appealed not only to Moshe, but also to Elazar and the princes of the congregation: "In order for this distribution to be valid and not subject to complaints at a later date, it had to be confirmed by the king, i.e., Moshe, by the High Priest, i.e., Elazar, and by the lay leaders, i.e., the princes. Each one of these leaders possessed an exclusive authority." [↑](#footnote-ref-3)
4. Ostensibly, in our case it was the conquest of all of Israel, and not of an individual, and therefore there should have been no room for the argument brought against the children of Gad and Reuven, as the territory had the sanctity of the Land of Israel. But the Rambam later states explicitly that the Land of Israel had to be divided by lots in order to be considered "the conquest of the community," for if a tribe took territory by itself, it would have been considered "the conquest of an individual: "For this reason, Yehoshua and his court divided the entire Land of Israel into tribal portions, even though it was not conquered [entirely] at that time. In this way, when every tribe would ascend and conquer its portion, it would not be considered as merely an individual conquest." [↑](#footnote-ref-4)