

ראובן גד וחצי שבט מנשה הרב יוסף חנוך נויברגר

The end of *Parshas Matos* discusses the division of *Ever haYarden* between *Bnei Gad*, *Bnei Reuven* and half of *Shevet Menashe*. It covers the *tenai* that Moshe made with *Bnei Gad* and *Bnei Reuven*, which becomes the root source for the *halachos* of *tenoyim*. There is a *machlokes* between Rav Meir and the Chachomim about how exactly to make a *tenai*. Rav Meir *darshens* the *mishpetay tenoyim* of *tenai kaful*, *hein kodem l'lav*, and *tenai kodem l'maaseh* from this *parsha*, and there are other rules of *tenoyim* which are also learned out from here.

The *Mishna* in *Bikkurim* brings a *machlokes* between the *Tana Kamma* and Rav Yose HaGlili whether *bikkurim* are brought from fruits which grew *Ever l'Yarden*. The *T"K* holds one should bring *bikkurim* from *Ever l'Yarden* but Rav Yose HaGlili says that one does not bring *bikkurim* from *Ever l'Yarden* because they are not from “*eretz zovas cholov u'devash*,” which is an integral component to *bikkurim*.

In the *Yerushalmi*, at the end of the first *perek* of *Bikkurim*, a *beraisa* is quoted with a different reason for Rav Yose HaGlili's *shita*. It says that because *bikkurim* come from land that the *Ribono Shel Olam* gave Klal Yisroel, “*v'lo shenotalti mei'atzmi*,” the *Tana* says, *Ever l'Yarden* fruit is disqualified because it was apportioned to *Reuven* and *Gad* by their request. The *Yerushalmi* continues and explains the *nafka mina* between the *Mishna*'s version to that of the *beraisa* is *bikkurim* from the *cheilek* of *Chatzi Shevet Menashe*. According to the *Mishna*'s Rav Yose HaGlili, they would not bring *bikkurim* because it is *chutz la'aretz*. However, according to the *Yerushalmi*'s *beraisa* version, because *Bnei Gad* and *Bnei Reuven* took their *cheilek* (it was not given to them from Hashem) they would not bring *bikkurim*, but *Chatzi Shevet Menashe*, whose land was given to them, would indeed bring their *bikkurim*.

To understand this *Yerushalmi*, we must look at the *pesukim* in *Matos* to see exactly what happened with *Bnei Gad*, *Bnei Reuven*, and *Chatzi Shevet Menashe*. In *perek lamed-beis*, the Torah tells us the story:

Bnei Gad and *Bnei Reuven* had an abundance of cattle. They asked Moshe Rabbeinu to give them the territory which *Bnei Yisroel* had already conquered *Ever l'Yarden* because it was fertile for raising cattle. Moshe then chastised them for making an already tricky situation worse and challenged them for wanting to sit out the war for Eretz Yisroel while their brethren would be fighting and risking their lives over it. They responded by suggesting a plan to build themselves settlements for their women and children and boundaries for their animals, while the men would go fight in the war for Eretz Yisroel. In fact, they would not leave until the war was completely over and all of Eretz Yisroel was conquered. Moshe Rabbeinu accepted this and assembled Elazar haKohen, Yehoshua bin-Nun, and the *Roshei Avos haMatos* of *Bnei Yisroel* for the famous *tenai kaful* deal.

All of this is spelled out in thirty-two *pesukim*. *Pasuk Lamed-Gimmel* reads as follows:

וַיִּתֵּן לָהֶם מֹשֶׁה לְבִנְיָדָד וְלְבִנְיָרְאוּבֵן וְלְחֻצֵי שֵׁבֶט מְנַשֶּׁה בְּיַיּוֹסֵף אֶת־מַמְלַכֶּת סִיחֹן מֶלֶךְ הָאֲמֹרִי
וְאֶת־מַמְלַכֶּת עֹג מֶלֶךְ הַבְּשָׁן הָאֲרֶץ לְעַרְיָה בְּגִבְלַת עַרְיָ הָאֲרֶץ סָבִיב

This is the first time that *Chatzi Shevet Menashe* is ever mentioned in this *parsha* of receiving a portion outside of Eretz Yisroel. They are not introduced until after the entire request and back-and-forth between Moshe Rabbeinu and *Bnei Gad* and *Bnei Reuven*. The *Ramban* explains that because there was so much territory on the other side of the *Yarden*, Moshe was looking for volunteers to live there and *Chatzi Shevet Menashe* volunteered.

It is interesting to note that the *pesukim* in *Devarim*, as well as in *Sefer Yehoshua*, clearly show *Chatzi Shevet Menashe* to be part of this deal about first fighting to help to conquer Eretz Yisroel and then returning to *Ever l'Yarden* to settle and live. However, the Torah tell us over here that the land which *Shevet Menashe* received was not yet conquered. Following the *pasuk* mentioned above about Moshe giving these *shevatim* their land, the *pesukim* go on to relate the battles over the portion of land which became *Menashe's* territory.

Why wasn't *Chatzi Shevet Menashe* included in the original *tenai* with *Gad* and *Reuven*? As well, why is *Menashe's* territory only conquered after they make this deal with Moshe?

The *Meshech Chochma* makes these observations and explains the *inyan*. He cites a *Ramban* in *Milchamos* on *Maseches Beitzah* that quotes a *Yerushalmi Kiddushin* which states the following. Even Rav Meir, who requires the *halachos* of *tenai (kaful, etc.)*, agrees that if one uses the *lashon* of "[You will be married to me] *l'achar...*" he would not be *chayiv* to adhere to the *mishpetay tenoyim*. [However, he would need to structure the *tenai* properly if he used the *lashon* of "[You will be married to me] *im [if]...*"]. If one puts a time-lapse on the *tenai*, that it shouldn't go into effect until after something else, it is not a classical *tenai* and is therefore not bound by the usual *tenai* qualifications.

The *Meshech Chochma* says that *Bnei Gad* and *Bnei Reuven* asked for their land after it was already conquered by Klal Yisroel. Those territories already belonged to Klal Yisroel, and had they not requested to live there, they would have been split up amongst all the *shevatim* just like Eretz Yisroel. Because of this, *Gad* and *Reuven* needed each of the other *shevatim* to be *makneh* their portions to them. Therefore, only way for this transaction to take place was through a proper *tenai* because it was already owned by the nation. This is why Rav Meir makes his *derashos* from this episode- *tenai kaful*, *hein kodem l'av*, and *tenai kodem l'maaseh* were all present. On the other hand, the land which *Menashe* was to receive for helping in the conquest were not Klal Yisroel's yet. No one could be *makneh* it to them at that point. Therefore, Moshe Rabbeinu essentially told them that they could go conquer it, and it would be theirs provided that they accomplished the "time-lapse" of helping the rest of Klal Yisroel conquer Eretz Yisroel. This is parallel to using the *lashon* of "...*l'achar...*".

With this, the whole *parsha* of *tenoyim* is not *nogei'a* to *Menashe*. It is relevant strictly to *Gad* and *Reuven* which is why only they are mentioned in those *pesukim*.

Related to this *chiluk* of the *Meshech Chochma* is a *Tosafos* in *Kesubos 56*. The *gemara* relates a *machlokes* between Rav Meir and Rav Yehuda whether *masneh al ma she'kasuv b'torah tenai batul* applies to a *tenai she'bimamon* or not. The case brought is a woman being *mekudeshes* on condition that the husband is not *chayiv* in *sh'eir*, *kesus*, and *ona*. Rav Yehuda holds that because the *sh'eir* and *kesus* are *devarim she'bimamon* the *tenai* works for them but *ona* is not a *davar she'bimamon* so the *tenai* does not work to erase that *chiyuv*. *Tosafos* points out that Rav Meir holds of *tenai kaful* and this *tenai* will not work without that. Therefore, it must be that the *gemara's* case is where the man said, "if I am not *chayiv* for *sh'eir kesus v'ona* you are married to me; but if I still am, then we are not married." Rav Meir holds that the marriage is valid and the husband must provide all three of those things because the *tenai* is not binding since these three *chiyuvim* prescribed by the Torah.

Tosafos asks how the marriage is valid when the man clearly stated that he does not want it to be valid if he is *chayiv* in those things? The *Ri* answers with the following. Were it not for our *parsha* of *Bnei Gad* and *Bnei Reuven*, we would never be able to place conditions on transactions. When the Torah introduces the ability to make *tenoyim*, they must always follow the *mishpetay tenoyim*. Because one of those rules is that they can never violate *mah she'kasuv b'Torah*, any *tenai* which is *masneh al ma she'kasuv b'torah* is invalid and has no effect on the transaction.

Rav Shimon Shkop, among others, offers an explanation to this *Tosafos*. When one makes a *chalos* he must really have the *da'as* that it is unconditional, that he wants it to have full effect. When the Torah was *mechadesh* the *inyan* of *tenoyim*, it merely allowed one to add a secondary mechanism to either allow the *chalos* to go into effect or to cancel it. Essentially, there are two mechanisms at work. The man creates

kiddushin unconditionally, and also has the option to create the *tenai* mechanism to either be *mekayem* or *mevatel* the *chalos*. The *Ri* is saying that if one sets up the secondary mechanism properly then it can affect the *chalos*; but if there is an issue with his *tenai* it will have no bearing on the *chalos kiddushin* which will then take full effect.

This reflects the territory *Ever I'Yarden*. That which Bnei Yisroel already conquered was given to *Bnei Gad* and *Bnei Reuven* fully, and Moshe Rabbeinu added the mechanism of their obligation to lead the war in order to make or break the *chalos*. However, the land for *Menashe* needed no such *tenai* because Bnei Yisroel did not yet own it to make an actual transaction over it. This is why *Menashe* was left out of the *pesukim* describing the *tenai*. This also explains the *Yerushalmi beraisa* of bringing *bikkurim* only from *Menashe's cheilek*. Because *Menashe* was given the land, as it became theirs immediately when Bnei Yisroel conquered it as Moshe promised them, it constitutes as having been given from Hashem. This is unlike the *Gad-Reuven* portions which they took from Klal Yisroel in this deal; it was not given to them by Hashem.

The *Netziv*, at the end of *Parshas Devarim* (3: 16), also talks about the questions we have raised. He points out that in *Devarim*, the flow of the *pesukim* stands out as it starts with *Bnei Gad* and *Bnei Reuven's* land, continues with *Menashe's* portion, and then goes back to talk about *Gad* and *Reuven*. He also points out that *Menashe's* portion is much larger than those of the other *shevatim*. He explains that Moshe Rabbeinu (*al pi Hashem*) specifically recruited those families of *Menashe* to live alongside *Gad* and *Reuven* in order to ensure that they wouldn't become spiritually distanced due to living *m'ever I'Yarden* (and its geographic distance). The *Netziv* cites a *gemara Yevamos* 62b, that *darshens* the *pasuk* of מיני מכיר ירדו מחוקקים (*Shoftim* 5: 14) to show that they were *talmidei chachomim*, which is why Moshe bargained with them (offering a large territory) to take that portion *Ever I'Yarden*. This is why the Torah put *Menashe* in the middle of talking about *Gad* and *Reuven*, to show that Moshe Rabbeinu only allowed *Gad* and *Reuven* to live there once *Menashe* agreed to go with. The *Netziv* adds that this too is *pshat* in the *Yerushalmi* why *Menashe's* portion is "*asher nosatuh li Hashem*." They didn't ask to be there, rather Moshe convinced them to go.

The *Netziv* finishes off by saying the *gemara* at the end of *Kesubos* states that *Bavel* is like Eretz Yisroel because *rov yeshivos* and much Torah was there, therefore just as one shouldn't leave Eretz Yisroel so too one shouldn't leave *Bavel*. So too, those of us who were *zoche* to learn in yeshiva have a *din* of a *talmid chochom*; we are *kove'a itim b'Torah* and Torah is a focal point of our day. Therefore, we are like the *Bnei Machir*, the *Chatzi Shevet Menashe*, in all the places that we live in our galus. During this time of *Bein HaMitzarim*, we should be *mechazek* ourselves in the *inyan* of being the *Chatzi Shevet Menashe*- the *talmidei chachomim* who are *kove'a itim* and make our learning the focal point of our day. We should be *mechazek* ourselves until the time of מלאה הארץ דעה את ה' כמים לים מכסים *bim'heira biyomeinu*.