Tenai and Bereira

One is not allowed to travel two-thousand *amot* outside their city – referred to as the *techum* – on *Shabbat* or *Yom Tov*. If one wishes to travel beyond that distance in one direction they can move their "dwelling", thereby relocating the centre of the permissible area that they can travel. We have learnt that one way to do this is by placing food, an *eiruv techum*, in the location of their new dwelling.

The *Mishnah* (3:5) taught that if one is unsure which direction, east or west, they need to gain that distance, for example to hear the *shiur* of a *Chacham*, there is a solution. They can place two *eiruvei techum*, and stipulate that if *Chacham* comes from one of the two directions, then the *eiruv techum* will be in that direction.

The *Tosfot Yom Tov* explains that this solution works based on the principle of *bereira* – literally, retroactive selection. In other words, the matter now can be clarified by a future event and be considered as if it is clear now. He continues that ordinarily we do not rule that *bereira* is valid or can be relied upon. However, since *eiruv techumin* is a rabbinic law, the Rabbis considered *bereira* valid for this law.

R' Akiva Eiger (on our *Mishnah*) raises an important issue. While we do not hold that *bereira* is valid for biblical laws, performing acts on conditions (*tenai*) are valid. For example, one could give his wife a *get* (divorce) conditional on here performing some task. The fundamental question therefore is what is the difference between a case requiring *bereira* and a regular *tenai*?

R' Akiva Eiger cites the *Ramban* who explains a regular *tenai* is when one stipulates about one thing. For example, if a person place only on *eiruv* to the east of the town and stipulate that it is only valid if his *Rav* comes in that direction, then it would be a valid *tenai*. However

if one stipulates between two thing, like the two *eiruvin* in our case, then it would require *bereira*. To provide another example, if one told a scribe to write a *get* now for whichever of his two wives (that have the same name) who exits first, such a case would require *bereira* to be valid (*Gittin* 25b). (Since however this case would impact a biblical law, the use of *bereira* would not be allowed.)

R' Akiva Eiger however is not satisfied with this explanation. In our case, the two *eiruvin* are not dependant on one another. The placement of each of the *eiruvin* should be considered independent from one another since each condition could be made separately without reference to the other *eiruv techum*. That being the case, it should be considered two separate and valid instances of a *tenai*. There should be no need for *bereira*!

The *Garnat* explains the *Ramban* in more detail that can be used to answer the question of *R' Akiva Eiger*[1]. When someone stipulates about one thing, for example one performs *kidushin* (*halachic* engagement) with a *tenai*, that act that was performed was performed with certainty. The *tenai* that was made at the time of the act however stands in the way of the act having *halachic* force. If the *tenai* was annulled, then that *kidushin* would apply automatically.

If however one stipulates about two things, because the two acts are contradictory the acts themselves are in doubt. Consequently *bereira* is required to determine which of the acts are valid. Therefore in our case, since a person can only place one *eiruv techum*, placing one in the east and another in the west are contradictory; the very acts are questionable. Therefore *bereira* must be employed if we want to determine which *eiruv techum* was valid at the onset of *Shabbat*.

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[1] The explanation was found in *Yalkut Bi'urim*, *Gittin* 25b, *Metivta*, *Oz Ve'Hadar.* Also note that there are other explanations found in the *Rishonim* for the difference between a regular *tenai* and *bereira.* See *Rashi* (*Eiruvin* 25b) for example.

Revision Questions

עירובין ג׳:ג׳ – ד׳:ז׳

- Where in a tree is one allowed to place his *eiruv techumim*? (ג׳:ג׳)
- How deep into a pit can one place his *eiruv techumim*? (ג׳:ג׳)
- Explain the debate regarding one who locked their *eiruv* in a cupboard and lost the key, whether it is a valid *eiruv*. (ג׳:ג׳)
- Is the *eiruv techumim* valid if it rolled out of the city's *techum* on *erev Shabbat*? (ג׳:ד׳)
- What is the law if one lost his *eiruv* but is unclear when it was lost – include both opinions? (ג׳:ד׳)
- Can one place two *eiruvin* on a particular condition such that only one will be valid? (ג׳:ה׳)
- Explain the debate regarding placing two *eiruvin* for *Yom Tov* and *Shabbat* that immediately follows it. (ג׳:ו׳)
- Describe the *Chachamim's* solution to the previous question. (ג׳:ו׳)
- Is there a similar debate by the two days of *Rosh Hashanah*? (ג׳:ז׳)
- What are two cases debated regarding the two days of *Rosh Hashanah*? (ג׳:ח׳)
- What are the two opinions about how one should reference *Rosh Chodesh* on *Rosh Hashanah*? (ג׳:ט׳)
- If someone was forcibly taken outside the *techum*, how far can he walk? (ד׳:א׳)
- If that person was then forcibly returned inside his *techum*, how far can he walk? (ד׳:א׳)
- Explain the debate regarding one that was forcibly removed from his *techum* and placed in a walled-off area. (ד׳:א׳)
- Explain why *Rabban Gamliel* ruled that the passengers of a boat that only reached the port on *Shabbat* were able to leave the boat. (ד׳:ב׳)
- In what cases is one allowed to leave the *techum Shabbat*? (ד׳:ג׳)
- If one of these people left the *techum Shabbat* and completed their task, how far can they walk from that spot? (ד׳:ג׳)
- Describe the debate regarding someone who was travelling and was unaware that at the onset of *Shabbat* he was within the *techum* of a city. (ד׳:ד׳)
- List the four opinions regarding a traveller that was asleep at the onset of *Shabbat*. (ד׳:ה׳)
- If three people are standing in a row, and each only able to walk four *amot*, and the region of the middle person overlaps the regions of the outer two, which parties are able to join and eat together? (ד׳:ו׳)
- To which case does *R' Shimon* compare the case in the previous question? (ד׳:ו׳)

Next Week's Mishnayot…

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
21st August כ"א אב Eruvin 4:8-9	22nd August כ"ב אב Eruvin 4:10-11	23rd August כ"ג אב Eruvin 5:1-2	24th August כ"ד אב Eruvin 5:3-4	25th August כ"ה אב Eruvin 5:5-6	26th August כ"ו אב Eruvin 5:7-8	27th August כ"ז אב Eruvin 5:9-6:1