



- 1 אמר רב ששת משום ר' אלעזר בן עזריה
יכול אני לפטור את כל העולם כולו מן הדין מיום שחרב בית המקדש ועד
עכשיו -
R' Elazar ben Azarya said; I can exempt the Jewish people
from liability for their sins, based on the פסוק in ישעיהו which
refers to the Jewish people as
שכור - drunk, but not from wine - rather from
suffering.

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יכול אני לפטור את כל העולם כולו מן הדין
מיום שחרב בית המקדש ועד עכשיו

לכן שמיני לא זאת
ענייה ושכורת ולא מיין

Not from wine
- rather from suffering

- 2 The Gemara clarifies that an inebriated person is in fact
obligated in all מצוות, and accountable for any עבירות that he
does.
הרי הוא כפיקח לכל דבריו
He is considered sane regarding all matters.
אלא שפטור מן התפלה
He is exempt from davening, because it requires concentra-
tion.
R' Elazar ben Azarya also only meant to say, that they can be
absolved of not davening with the proper concentration.
However, if he gets to the point of לוט שכרות, complete
drunkenness, he is פטור from all מצוות as a שוטה.

2 An
Inebriated Person:
הרי הוא
כפיקח לכל דבריו

אלא
שפטור מן התפלה

אבל הגיע
לשכרותו של לוט
פטור מכולם

- 3 Based on two ways to interpret a פסוק in איוב, we have the
following Machlokes.
רב יוחנן holds that one who is drunk should sleep a short while
and be woken up to daven, because the effect of the wine will
have sufficiently worn off.
רבי חנינא holds that it is better to miss davening, because it
only wears off sufficiently if he sleeps until waking up
himself.

3 One who is drunk...

רב יוחנן	רבי חנינא
Sleep a short while and be woken up to daven	It's better to miss davening
The effect of wine will have sufficiently worn off	It only wears off sufficiently if he sleeps until waking up himself



- 4 רב adds;
- כל שאין דעתו מיושבת עליו אל יתפלל
Anyone with an unsettled mind, like a person who is angry,
should not daven.
Later, the גמרא mentions that for the first three days after a
long journey a person should not daven, because he will not
be able to concentrate,

4

אמא רב חייא בר אשי
אמר רב

**כל שאין דעתו מיושבת עליו
אל יתפלל**

Three days after a long journey
a person should not daven

He will not be able
to concentrate

- 5 and
- שמואל לא מצלי בביתא דאית ביה שיכרא
Shmuel would not even daven in a house that had beer in it,
because the smell was intoxicating.
We must cite the 'שולחן ערוך סימן צ"ח סעיף ב' in לשון המחבר -
ועכשיו אין אנו נזהרין בכל זה מפני שאין אנו מכוונים כל כך בתפלה
We do not follow these exemptions, because we are unable
to have the fullest concentration anyway.
However, the משנה ברורה comments;
Of course, we must concentrate to the best of our ability, and
avoid all distractions.

5

**שמואל לא מצלי
בביתא דאית ביה שיכרא**

שולחן ערוך סימן צ"ח סעיף ב'
**ועכשיו אין אנו נזהרין בכל זה
מפני שאין אנו מכוונים כל כך בתפלה**

- 6 Various אמוראים were careful not to pasken and had
difficulty learning, even when they had minor distractions
like the blowing of a southern storm wind, doing routine
things like passing some dip, and getting bitten by lice.

6

Various אמוראים did not to pasken
and had difficulty learning
even when they had Minor Distractions

▶ Blowing of a southern
storm wind

▶ Passing some dip ▶ Bitten by lice



- 7 The Gemara records the customs of various אמוראים in terms of their learning schedule:

While רבי יהודה רבי שמעון thought people should sleep at night, רבי לקיש thought that the moon's light is ideal for learning Torah.

רבי זירא said his learning was sharp from learning in the daytime, while רב חסדא tried to sleep as little as possible, since life is too short to waste on sleep. רב נחמן בר יצחק would say that Torah should be learned during the day, but רב אחא בר יעקב יזף ופרע – he would learn at night, when he did not have time to fill his quota of daily learning during the day.

- 8 The Gemara lists six positive things that can come from drinking wine:
- 1- It can help people overlook wrongs that others committed against them
 - 2- It can clear a person's mind to the point that he is like one of the שבעים זקנים.
 - 3- It can help comfort mourners.
 - 4- It rewards evil people in this world, so that they will only have punishment in עולם הבא.
 - 5- If it pours like water in a person's house, it indicates that the house is blessed.
 - 6- It is one of the three ways to test the true character of a person: בכוסו ובכעסו –
 - 1- How he acts when he drinks -
 - 2- How honest he is with money -
 - 3- And how easy he is to anger.
- ואמרי ליה אף בשחקו – some say a person's character is evident from his laughter.

- 9 The Gemara presents two cases of a non-Jew sharing a חצר with a Jew, in a situation of שתי חצירות, one behind the other, where the inner חצר's only exit and entrance is through the outer חצר, which gives them דריסת הרגל – a right of way through the outer חצר.

7

רבי יהודה **Sleep at night**

רבי שמעון בן לקיש **Moon's light is ideal for learning Torah**

רבי זירא said **His learning was sharp from learning in the daytime**

רב חסדא **Tried to sleep as little as possible**

Life is too short to waste on sleep!

רב נחמן בר יצחק **Torah should be learned during the day**

רב אחא בר יעקב יזף ופרע **He would learn at night when he didn't fill his quota of learning**

8

Positive things from **drinking wine**

- 1 **Helps** people overlook wrongs others committed against them
- 2 **Clears** a person's mind to the point that he is like the שבעים זקנים
- 3 **Helps** comfort mourners
- 4 **Rewards** evil people in this world so they'll only have punishment in עולם הבא
- 5 **If it pours** like water in a person's house it indicates that the house is blessed
- 6 **One of the ways to Test** the character of a person
 - בכוסו ▶ How he acts when he drinks
 - בכיסו ▶ How honest he is with money
 - ובכעסו ▶ How easy he is to anger

9

דריסת הרגל **Right of way**

שתי חצירות **זו לפני זו**

- 10 - אמר רב יהודה אמר רב, ישראל ונכרי בפנימית וישראל בחיצונה
Rav said that if a Jew and a non-Jew live in the inner חצר, and
a lone Jew lives in the outer חצר, both רבי רבי and רבי חייא hold it is
אסור for the Jew in the outer חצר to carry things from his
house into his חצר, unless he rented the rights of the non-Jew.
The גמרא tries to figure out which תנא Rav holds like:

רב ששת and רבה thought that he holds like ר' מאיר that a
non-Jew makes carrying אסור in the חצר even when only one
Jew lives with him.

10 אמר רב יהודה אמר רב
ישראל ונכרי
בפנימית
וישראל בחיצונה
רבי & רבי חייא
אסור
Unless he rented
the rights of the non-Jew

רב ששת and רבה thought
he holds like
ר' מאיר

- 11 רב יוסף rejects this since according to ר' מאיר the inner חצר
should be אסור as well, and רב explicitly said that the Jew in
the inner חצר MAY carry within the inner חצר, clearly
indicating that רב does not follow the opinion of ר' מאיר.

11 רב יוסף
According to ר' מאיר
the inner חצר
should be
אסור as well?

רב cannot be following
רבי אליעזר בן יעקב
לעולם אינו אסור
עד לפי לוי ישראלים
אוסרין כלל כל

- 12 Rav cannot be following ר' אליעזר בן יעקב either, who holds
- עד שיהיו שני ישראלים אוסרין זה על זה
The non-Jew only makes carrying אסור when there are two
Jews who also restrict each other, but in this case the Jews do
not restrict each other because they live in separate חצירות?!

12 רב cannot be following
רבי עקיבא

רגל המותרת
במקומה
אוסרת
שלא
במקומה

The case
does not
need a
non-Jew?



- 13 Finally the גמרא concludes that Rav holds like both ר' אליעזר בן יעקב AND ר' עקיבא, and in this case the two Jews made an עירוב, so it is the presence of the גוי that causes the outer חצר to be אסור, unless they rent the רשות of the non-Jew.

13 The גמרא concludes Rav holds like:

רבי עקיבא & רבי אליעזר בן יעקב

They made an עירוב

- 14 Before we proceed to the next case, we must review that which we learned at the beginning of this Perek, דף ס"ב ע"א, that both ר' מאיר and ר' יעקב agree - דירת עובד כוכבים לא שמה דירה - A non-Jew is not considered a resident who can restrict the חצר. However, the חכמים issued a decree that one must rent the space from the non-Jew every week, because this inconvenience would discourage Jews from sharing a חצר with non-Jews - גזירה שמא ילמד ממעשיו - so that they do not learn from his ways.

14 תנא קמא - ר' מאיר רבי אליעזר בן יעקב

BOTH AGREE

דירת עובד כוכבים לא שמה דירה

The חכמים decreed one must rent the space from the non-Jew

אָפּוּר אַלמא יאמאז אַמאָל

- 15 Therefore, רבי אליעזר בן יעקב holds that in a case of a single Jew living in the חצר with the עכו"ם, there was no need for such a decree, because a Jew would rarely put himself in that situation, because a Jew would rarely put himself in that situation, because idolaters are suspected of wanting to murder a Jew. However, with two Jewish residents the decree does apply, because they would share a חצר with an עכו"ם, feeling protected by one another, as the עכו"ם would not harm one for fear of being discovered by the other. Now, in the case just mentioned, where the Jew and the non-Jew live in the inner חצר, the גזירה applies and they must rent the רשות of the non-Jew, because they would be comfortable with such an arrangement, figuring that the עכו"ם will not harm the Jew in the inner חצר, because he's afraid that the Jew of the outer חצר will ask about his neighbor - and as Rashi explains; he cannot claim that the Jew moved away, because the outer Jew would have noticed that.

15 רבי אליעזר בן יעקב תנא קמא - ר' מאיר

Does NOT apply to a SINGLE Jew living with the עכו"ם

APPLIES to a TWO Jew living with the עכו"ם

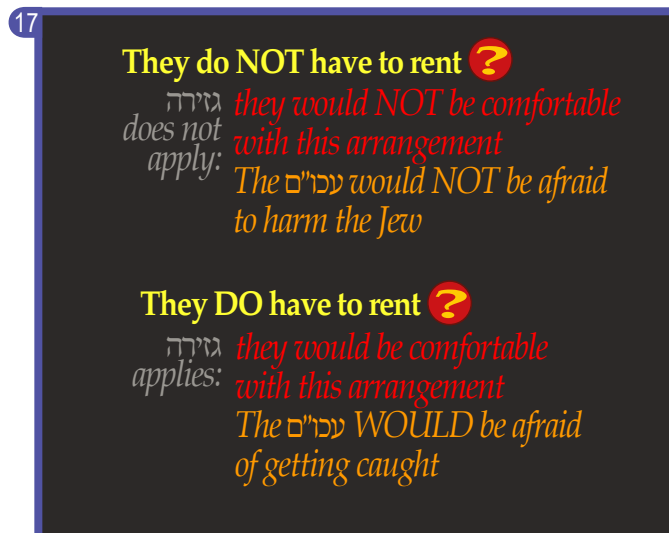
APPLIES even to a single Jew living with the עכו"ם

A Jew would rarely put himself in that situation - אָפּוּר אַלמא יאמאז אַמאָל

- 16 However, in the reverse situation:
 - בעא מיניה רבי אלעזר מרב, ישראל ונכרי בחיצונה וישראל בפנימית מהו
 If the Jew and non-Jew share the outer חצר and the lone Jew is in the inner חצר, must they rent the רשות of the non-Jew?



- 17 -a- Perhaps they do NOT have to rent, because the גזירה does not apply, since they would not be comfortable with this arrangement. The עכו"ם would not be afraid to harm the Jew, because, when asked, he could always claim that the Jew moved away, without the inner resident noticing.



- OR
 -b- They DO have to rent, because they could live with this arrangement, relying on the עכו"ם being afraid of getting caught in the act by the inner Jew just walking out at that time.

- 18 תן לחכם ויחכם עוד - give knowledge to a wise man and he will become even wiser - meaning to say that the non-Jew does create an איסור to carry in the outer חצר in this case as well.





- 16 - ריש לקיש ותלמידי דרבי חנינא איקלעו להווא פונדק
and students of ר' חנינא went to an inn, which shared
a חצר with 2 Jews, and one non-Jew who was renting from
another non-Jew. They wanted to rent his רשות in order to
make an עירוב.

However,

- ולא הוה שוכר והוה משכיר

The tenant was not home, but the landlord was there.

ריש לקיש ותלמידי דרבי חנינא
איקלעו להווא פונדק

They went to an INN
which shared a חצר with 2 Jews
and 1 non-Jew
who was renting from another non-Jew

ולא הוה שוכר והוה משכיר
The tenant was not home
but the landlord was there

- 17 They reasoned as follows;
If the landlord may not evict the tenant, we certainly cannot
rent from him, for it is not his רשות.
If he may evict him, it is questionable.
Shall we say that, since the landlord has the right to evict the
tenant, it is the landlord's רשות, and we can rent from him -
OR -
Since he did not actually evict him, it is the tenant's רשות, and
we cannot rent from the landlord.

THEY REASONED:

If the landlord
may NOT evict the tenant:
We certainly cannot rent from him!

If the landlord
MAY evict the tenant:

Since he has the
RIGHT
to evict the tenant



Since he didn't
ACTUALLY
evict him

It's the **landlord's** רשות
and we can
rent from him

It's the **tenant's** רשות
and we cannot
rent from him

- 18 They rented from the landlord and made an עירוב, relying on
ספק דבריהם להקל.

They subsequently asked רבי אפס who said;

- יפה עשיתם ששכרתם

You were correct in renting from the landlord

THEY RENTED FROM THE LANDLORD
AND MADE AN עירוב

relying on
ספק דבריהם להקל

They subsequently asked רבי אפס
who said

יפה עשיתם ששכרתם