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Eiruvin Daf 65

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Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav Sheishes said in the name of Rabbi Elozar ben Azaryah: I could justify the exemption from judgment of all the Jews (*for their sins*), since the day of the destruction of the Temple until the present time, for it is said in Scripture: *Therefore, hear now to this, poor one, and the one who is drunk but not with wine. [Since the verse refers to the Jews as drunks (on account of exile), they are not responsible for their sins.]*

The *Gemora* asks from a *braisa*: The sale or purchase of a person who is drunk is valid. If he (*the drunk*) committed a transgression involving the penalty of death, he is to be executed, and if he committed one involving lashes, he is to be lashed. The general rule is that he is regarded as a sane man in all respects, except that he is exempt from prayer. [*Evidently, being drunk is not a justification for sinning!?*]

The *Gemora* answers: By the expression, ‘I could justify the exemption’ that he used, he also meant exemption (*only*) from judgment for the lack of concentration during prayer.

Rabbi Chanina said: This (*that a drunk is responsible for his sins*) applies only to one who did not reach the stage of Lot’s drunkenness, but one who did reach such a stage is exempt from all responsibilities. (64b – 65a)

Rabbi Chanina said: Anyone who bypasses the ‘shield’ (*referring to prayer, as the first blessing in the Shemoneh Esrei is “the shield of Avraham*) in the time of haughtiness (*intoxication*), troubles will be closed and sealed about him, for it is said in Scripture: *The intoxicated one, who bypasses prayer, trouble will be closed and sealed for him.* The *Gemora* proves that the word ‘*apik*’ means ‘bypass,’ since it is written in Scripture: *My brethren have dealt deceitfully as a stream, as the movement of streams that they have passed by.*

Rabbi Yochanan said: The statement was: Anyone who does not express [*the ‘shield’ (referring to prayer, as the first blessing in the Shemoneh Esrei is “the shield of Avraham) in the time of haughtiness (intoxication), troubles will be closed and sealed about him*]. The *Gemora* proves that the word ‘*apik*’ means ‘expressing,’ since it is written in Scripture: *And the channels of waters appeared (expressed), and the foundations of the world were revealed.*

The *Gemora* notes the practical difference between them: Rav Sheishes entrusted the task of waking him from his sleep (*after drinking*) to his attendant. One master (*R’ Yochanan*) upholds the view of Rav Sheishes, while the other master (*R’ Chanina*) does not (*for in his opinion, a man’s mind must be*

*absolutely clear during his prayers, and if he does not awake on his own, he cannot have a clear mind and is consequently unfit for prayer).*

Rabbi Chiya bar Ashi ruled in the name of Rav: A person whose mind is not at ease must not pray, since it is written: *He who is in distress shall not render legal decisions.* Rabbi Chanina did not pray on a day when he became angry. He said: It is written: *He who is in distress shall not render legal decisions.* (65a)

The *Gemora* relates: Mar Ukva did not attend court on a day of a south wind (*which, in Bavel, was very strong*). Rav Nachman bar Yitzchak observed: Legal decisions require as much clearness as a day of a north wind day. Abaye remarked: If my mother (*his stepmother, for his mother died at childbirth*) had told me to bring her the *kutach* (*a dip of bread-crusts, sour milk and salt*), I would not have been able to study (*for even the slightest disturbance would have distracted him*). If, remarked Rava, a louse bit me I could not study. Seven sets of clothing for the seven days of the week were prepared for Mar the son of Ravina by his mother (*in order to prevent lice*). (65a)

Rav Yehudah said: Night was created only for sleeping. Rabbi Shimon ben Lakish observed: The (*light of the*) moon was created only for the study of Torah. When Rabbi Zeira was told that his teachings were sharp, he would reply that they are the result of daytime study.

The *Gemora* relates: The daughter of Rav Chisda once asked Rav Chisda: Wouldn't the master like to doze a little? He replied: There will soon (*in the grave*) come days that are long (*for sleeping*) and short (*for Torah study*), and we shall have time to sleep a lot. Rav Nachman bar Yitzchak said: We (*who study Torah*) are

day workers. Rav Acha bar Yaakov borrowed and repaid. [*If business matters caused him to curtail his studies during the day, he made up the deficiency in the night.*] (65a)

Rabbi Elozar ruled: A man who returns from a journey must not pray for three days (*for the weariness of the trip will cause a lack of concentration*), for it is said in Scripture: *And I gathered them together to the river that turns to Ahava; and there we rested for three days, and I scrutinized the people (but only after three days)*. On returning from a journey, Shmuel's father refrained from prayer for three days. Shmuel did not pray in a house that contained beer (*for the smell alone intoxicated him*). Rav Pappa did not pray in a house that contained fried fish (*due to its pungent odor*). (65a)

Rabbi Chanina observed: He who allows himself to be pacified (*after an injustice was inflicted upon him*) through drinking his wine, possesses some of the characteristics of his Creator, for it is written: *And God smelled the sweet aroma ... (and said, "I will never again bring another deluge to the world")*. Rabbi Chiya said: He who retains a clear mind under the influence of wine, possesses the characteristics of the seventy elders; for the numerical value of "yayin" - "wine" is seventy, as is the numerical value of "sod" - "secret." When wine goes in, secrets depart.

Rabbi Chanin observed: Wine was created for the sole purpose of comforting mourners and rewarding the wicked; for it is said: *Give intoxicating wine to he who is wicked [and wine to the bitter in soul]*.

Rav Chanin bar Pappa stated: A person in whose house wine is not poured like water has not attained

the category of blessedness; for it is said: *And He will bless your bread and your water*. Just as the 'bread' spoken of is a food that may be bought with *ma'aser sheini* money, so is the 'water' a liquid that may be bought with *ma'aser sheini* money. Now, such a liquid is wine; and yet it is called 'water' to teach us that if it is poured in one's house like water that house has attained the category of blessedness, otherwise, it has not.

Rabbi Ila'i said: By three things may a person's character be determined: By his cup (*of wine; i.e., if his mind remains at ease even after drinking*), by his purse (*through honest dealings*) and by his anger; and some say through his laughter as well. (65a - 65b)

Rav Yehudah said in the name of Rav: A Jew and an idolater lived in the inner of two courtyards (*and did not have a passageway to the public domain except through the outer one; he did have a right of passage through the outer one*) and one Jew lived in the outer one. The case came up for discussion before Rebbe, and he forbade the use of the one living in the outer courtyard (*to carry things from his house into the courtyard, unless he rented the rights from the idolater*), and when it was submitted to Rabbi Chiya, he also forbade its use.

Rabbah and Rav Yosef were sitting at the end of a discourse of Rav Sheishes, when Rav Sheishes sat and suggested that Rav explained his ruling to be in agreement with the view of Rabbi Meir (*who restricts the use of a courtyard in which an idolater lived - even if no more than one Jew lived in it with him*), and Rabbah nodded his head (*in agreement*).

Rav Yosef exclaimed: Can two great men make a mistake in such a matter? If the ruling is in agreement

with Rabbi Meir, why was it required that a Jew shall live in the outer courtyard (*for according to R' Meir, the idolater would have imposed the restrictions even if there had been only one Jew in his courtyard*)? And should you reply that the case just happened to be of such a nature; wasn't Rav asked whether the inner Jew tenant could use his own place (*may he move objects from his house into that courtyard*), and he replied that he was permitted (*which is contrary to R' Meir's viewpoint*)?

The *Gemora* counters: Is it then in agreement with that of Rabbi Eliezer ben Yaakov? Didn't he rule (*that an idolater does not restrict the use of a courtyard*) unless there are two Jews who impose restrictions upon each other?

The *Gemora* notes that it cannot be in agreement with Rabbi Akiva, who ruled that a man who is permitted freedom of movement in his own place causes the restriction of free movement on others in a place that is not his (*he is referring to a man in an outer courtyard - in which he did not reside, but in which he was entitled to the right of passage by virtue of his residence in an inner courtyard whose one and only door opened out into it*); for if so, what need was there to have a idolater, seeing that even one Jew alone would have imposed the restrictions?

Rav Huna son of Rabbi Yehoshua replied: The ruling in fact is in agreement with Rabbi Eliezer ben Yaakov and Rabbi Akiva, but here we are dealing with a case where the two Jews joined in an *eiruv*. Therefore, the reason of the prohibition (*for the outer courtyard*) is that there was an idolater who imposed the restrictions, but where there was no idolater, there is no one to impose restrictions upon them. (65b)

Rabbi Eliezer inquired of Rav: If a Jew and a gentile reside in the outer *chatzer* (courtyard) and an individual Jew resides in the inner *chatzer*, what is the status of the outer *chatzer*. [*We have learned that the residence of a gentile is not considered a residence, yet the Chachamim did not want a Jew residing in the same chatzer as a gentile. The only way for a Jew to carry in a chatzer where a gentile resides is if the Jew leases the rights of the gentile in the chatzer. Rabbi Eliezer ben Yaakov maintains that since a Jew is afraid of residing in the same chatzer as a gentile, out of fear that the gentile will harm him, the Chachamim did not enact a decree in such a case.*] In the previous case where the gentile resided in the inner *chatzer*, we can say that the Jew in the inner *chatzer* is not concerned that the gentile will murder him, because the gentile is fearful that the Jew from the outer *chatzer* will query him as to the whereabouts of the Jew in the inner *chatzer*. Even Rabbi Eliezer ben Yaakov would agree that that the gentile restricts the inner *chatzer* from carrying. When the gentile resides in the outer *chatzer*, however, he would not be fearful of harming his Jewish neighbor, as he can say that the Jew left the *chatzer*, and it is possible that the Jew in the inner *chatzer* would not have seen him leave. Thus, Rabbi Eliezer ben Yaakov would maintain that the gentile does not restrict the *chatzer*, or perhaps the gentile is still afraid that the Jew from the inner *chatzer* will see the gentile harming the Jew in the outer *chatzer*.

Rav answered: Give knowledge to a wise man and he will get even wiser. [Just like the gentile restricts from carrying in a case where the gentile resides in the inner *chatzer*, the gentile will also restrict from carrying when he resides in the outer *chatzer*.] (65b)

Rish Lakish and the students of Rabbi Chanina went to an inn for Shabbos. They joined in an *eiruv* that

allowed them to carry from their rooms into the *chatzer*. They wanted to lease the rights of a gentile who had leased a house in the *chatzer*. The tenant was not there but the landlord was there. When the landlord cannot ask the tenant to leave before the lease expires, the landlord is not in control of the house, and a Jew cannot lease the rights in the *chatzer* from the landlord.

The question would be in a case where the landlord can evict the tenant. Perhaps because the landlord can evict the tenant, a Jew can lease the rights from the landlord, or perhaps since the tenant has not yet been evicted, one cannot lease his rights in the *chatzer*.

Rish Lakish said that they should lease the rights from the landlord, and when we reach our teachers in the South, we shall ask them. They came and asked Rabbi Afeis; he told them that they were correct in leasing the rights from the landlord. (65b)

Rabbi Chanina bar Yosef and Rabbi Chiya bar Abba and Rabbi Assi stayed at an inn on Shabbos where there were only Jewish guests. The gentile innkeeper arrived on Shabbos, and there was a question whether they would be allowed to lease the rights of the gentile, and then all the Jews would have to relinquish their rights so that at least one guest could carry in the *chatzer*.

The dilemma was if leasing is akin to joining in an *eiruv*. One must join in an *eiruv* before Shabbos, and so too one must else the rights from the gentile, before Shabbos, or perhaps leasing is akin to relinquishing rights, which can be performed even on Shabbos.



Rabbi Chanina bar Yosef wanted to relinquish their rights, and Rav Assi said they should relinquish their rights on Shabbos. Rabbi Chiya bar Abba said they should rely on the lenient opinion of Rabbi Chanina bar Yosef and lease. When they later came to Rabbi Yochanan, he told them that they were correct in leasing the rights of the gentile on Shabbos. (65b - 66a)

## INSIGHTS TO THE DAF

### *Praying when Drunk*

Rav Shlomo Fisher shlit" a asked a question about our Gemora's statement that whoever does not pray when drunk stops bad things from happening to himself. He asked: What great desire is there to pray when drunk that Hashem gives great reward to someone who stops himself from praying when drunk?

He answered that many people become creatures of habit, even when it comes to their performing mitzvos. They have to pray three times a day, even if Hashem does not want them to pray at that time, because that is simply what they must do and have become accustomed to doing. This is known as "*mitzvos anashim melumadah*" -- "mitzvos people do that is learned (accustomed, without intent)." When someone stops himself from praying because he is drunk, he is showing that he only prays when Hashem wants him to, and is conscious each praying that he is doing so because Hashem wants him to do so, not because it is appropriate in his circles to pray three times a day.

Another example of this is when someone has to imminently relieve himself, and it is immediately prior

to *Shemoneh Esrei*. It is forbidden to pray in such a state. Even so, people will tend to want to pray, as otherwise they will miss praying *b'tzibur*! This is despite the fact that Hashem does not want one to pray at this time, and they do not fulfill their obligation to pray in such a state! Why do people do this? They do it because they are creatures of habit, not because they are serving Hashem. This, Rav Fisher explained, is why someone who refrains from praying at such a point merits great reward. [Indeed, on Purim, most people who are drunk and could get this reward, refrain from doing so and pray anyway, because they feel, "How could I not pray?" They are clearly wrong.]

## DAILY MASHAL

### *Drunk, But Not From Wine*

R' Elazar ben Azarya said that he had found an argument through which he could exempt the entire world from judgment. The *possuk* states, "She is drunk, but not from wine" (Yeshaya 51). The Gemara at first understood this to mean that since we are as senseless as drunkards, we cannot be held responsible for our actions. This explanation was rejected, since a drunkard is liable for any damage he may cause in his stupor. Rather, the Gemara explains that we are exempt from prayer, since like drunkards we are unable to focus our thoughts.

The Iyun Yaakov explains that this conclusion is in fact a great defense on our behalf. Since we are unable to pray properly, we cannot fully call upon Hashem for His help in defeating the yetzer hora. Hashem should judge all our misdeeds with sympathy, since without His intervention we are helpless before the *yetzer hora* (Sukkah 52b).