The Gemara raises an objection to this argument from the following bara'ita: With regard to one who is intoxicated, his acquisition is a binding acquisition; that is, he cannot retract the transaction when he is sober, and similarly, his sale is a binding sale. Moreover, if he committed a transgression for which he is liable to receive the death penalty, he is executed; and if the offense is punishable by lashes, he is flogged. The principle is that he is like a sober person in all matters, except that he is exempt from prayer. Therefore, even if the people of Israel are considered drunk, they are nonetheless responsible for their actions.

Rabbi Hanina said: They taught that an intoxicated person is responsible for all his actions only in a case where he did not reach the state of intoxication of Lot; however, if he reached the state of intoxication of Lot, so that he is altogether unaware of his actions, he is exempt from all liability.40

The Gemara answers that even Rabbi Elazar ben Azarya did not mean that they should be exempt from liability for all their sins. Rather, what is the meaning of his statement: I can exempt? He, too, meant that he could exempt them from the judgment of prayer, i.e., Jews cannot be held liable for praying without the proper intentions.

Rabbi Hanina said: Whoever passes a shield over himself at a time of arrogance, i.e., whenever he suppresses his evil inclination as though it were covered with a shield when he is arrogant, e.g., when he is intoxicated or the like (Rabbeinu Hananel), troubles will be closed and sealed from him, as it is stated: “The channels of [afik] his scales are his pride, closed together as with a tight [tzar] seal” (Job 41:7). The verse is interpreted homileti­cally: When at a time of arrogance a person passes a shield [mapik] over his evil inclination, his troubles [tzarot] will be closed and sealed before him.

The Gemara poses a question: From where may it be inferred that the meaning of this word afik is a formulation denoting passing [abovei]? The Gemara answers: As it is written: “My brothers have dealt deceitfully like a wadi, like the channel [afik] of brooks that pass by [yu’avoru]” (Job 6:15). This implies that the term afik is synonymous with the verb yu’avoru, which refers to something that travels and passes by.

Rabbi Yoĥanan said: This is not the correct interpretation; rather, it was stated that whoever does not cover, but draws out [mapik] a shield at a time of arrogance, troubles will be closed and sealed from him. In other words, a person must draw his weapons and shield in order to fight his evil inclination when it tries to overpower him (Rabbeinu Hananel).

The Gemara poses a question: From where may it be inferred that this word mapik is a formulation denoting revealing? The Gemara answers: As it is written: “The channels of [afik] waters were seen, and the foundations of the world were laid bare” (Psalms 18:16).
The Gemara asks: Now, since the verses may be interpreted both in accordance with the opinion of this Master and in accordance with the opinion of the other Master, what is the practical difference between them? The Gemara answers: The practical difference between them is with regard to the following practice of Rav Sheshet, as Rav Sheshet gave the responsibility for monitoring his sleep to his attendant, instructing the attendant to wake him when the time for prayer arrived. One Sage, Rabbi Ḥanina, is of the opinion that the practice of Rav Sheshet is correct, as Rabbi Ḥanina maintains that if one is in great need of sleep, it is better to nap for a while and then wake up with renewed vigor. And one Sage, Rabbi Yohanan, is of the opinion that the practice of Rav Sheshet is correct. He holds that a person must marshal his strength and pray, rather than succumb to the need for sleep.

Rav Ḥiyya bar Ashi said that Rav said: Anyone whose mind is unsettled should not pray, as it is stated: When distressed, one should not issue decisions. The Gemara relates that Rabbi Ḥanina, on a day that he was angry, would not pray, as he said that it is written: When distressed, one should not issue decisions. The Gemara similarly relates that Mar Ukva, on a day of a south wind, would not venture out to the court, for this hot and harsh wind would disturb his usual clarity of mind.

Rav Nahman bar Yitzḥak said: The study of halakha requires clarity. As on a day when a north wind blows and clears the skies, Abaye said similarly that if my stepmother says to me: Bring me a dish of kutaḥ, I can no longer study Torah in my usual fashion, as even a simple task such as this troubles me and distracts me from my Torah study.

Similarly, Rava said: If I am bitten by a louse, I can no longer learn in my usual manner. The Gemara relates that the mother of Mar, son of Ravina, would prepare seven garments for him for the seven days of the week, so that he would not be bitten by the lice found in old clothes (Rabbeinu Ḥananel).

Rav Yehuda said: Night was created only for sleep. Rabbi Shimon ben Lakish said: The moon was created only for Torah study by its light. When people said to Rabbi Zeira: Your teachings are exceedingly sharp, he said to them: They were formulated during the daytime hours. This teaches that Torah study during the day is most beneficial to clarity of the mind.

Rav Hisda’s daughter said to her father, Rav Hisda, who would spend his nights in study: Doesn’t the Master wish to sleep a little? He said to her: Days that are long in quantity but short in the opportunity to study Torah and perform mitzvot will soon arrive, and we will sleep a lot. After I die, there will be more than enough time for sleep.

Rav Nahman bar Yitzḥak said: We, Torah scholars, are day workers, as our study is performed primarily during the day. The Gemara relates that Rav Aḥa bar Ya’akov would borrow and repay. I.e., if for some reason he neglected to study during the day, he would use the night hours to compensate for the missed time.

Notes

When distressed, one should not issue decisions – מִדָּה: See Tosafot on this point. Rashi’s comments are accurate in that this verse actually comes from the book of Ben Sira (7:10), and it is from there that the Sages quoted this phrase. Although categorized as one of the apocryphal works that may not be read, the Sages themselves stated that the worthy aphorisms contained in the book of Ben Sira may be cited in his name and expounded. It is occasionally cited in the Gemara in the same manner as the books of the Bible.

Night was created only for sleep – לַיְלָה אֵָיָּה לָא אִיבְרִי לֵילְיָא אֶלָּא לְשֵׁי ְתָא. Some deduce from here that one should not sleep during the day, but rather dedicate daylight hours entirely to Torah study, as implied by the ensuing tale involving Rav Hisda (Ein Ya’akov).

Halakha

Torah study at night – לִימּוּד בַּלַּיְלָר: It is appropriate that one be more vigilant in studying Torah at night than he is during the day, as that is the way to merit the crown of Torah (Shulhan Arukh, Orah Hayyim 238:1, Yoreh De’ar 266:23).

Borrow and repay – עִָּיָּר קְָּהָה: If one has a fixed schedule for study each day, and one day he has to attend to some other matter so that he is unable to complete his usual schedule, he should complete his study at night. The rationale is that the schedule is considered a kind of vow. Therefore, when one accepts such a schedule upon himself, it is proper to say that he is not accepting it as a vow (Magen Avraham, Shulhan Arukh, Orah Hayyim 238:2).
Rabbi Elazar said: One who returns home from a journey should not pray for three days while recovering from the hardship of being on the road, as it is stated: “And I gathered them together at the river that runs to Ahava, and we encamped there for three days, and I inspected the people” (Ezra 8:15), after which it is stated: “Then I proclaimed a fast there, at the river of Ahava, that we might afflict ourselves before our God, to seek of Him a safe journey for us” (Ezra 8:21), which teaches that they rested three days before praying.

The Gemara relates that Shmuel’s father, when he would return home from his journey, would not pray for three days, as he would have to rest from his journey. Shmuel himself would not pray in a house that contained an alcoholic beverage, as the scent of the alcohol would disturb his concentration during prayer. Similarly, Rav Pappa would not pray in a house that contained small fried fish, due to their smell.

Rabbi Hanina said: Whoever is appealed by his wine—i.e., whoever becomes more relaxed after drinking, has in him an element of the mind-set of his Creator, who acted in a similar fashion, as it is stated: “And the Lord smelled the sweet savour, and the Lord said in His heart, I will not again curse the ground any more for man’s sake” (Genesis 8:21). As it were, God acted more favorably toward His creatures after He was appealed with the smell of the burnt offerings. Smell can be as potent as drinking or eating itself.

Shmuel said: Wine was created only for sleep, while recovering from a journey.

Rabbi Hanin said: Wine was created only in order to comfort mourners in their distress, and to reward the wicked in this world so they will have no reward left in the World-to-Come, as it is stated: “Give strong drink to him that is ready to perish, and wine to the bitter of soul. Let him drink, and forget his poverty, and remember his misery no more” (Proverbs 31:6). “Him that is ready to perish” refers to the wicked, who will perish from the world, while “the bitter of soul” denotes mourners.

Rabbi Hanin bar Pappa said: Anyone in whose house wine does not flow like water is not yet included in the Torah’s blessing, as it is stated: “And He shall bless your bread and your water” (Exodus 23:25). The water mentioned in this verse actually refers to wine, as learned in the following manner: Just as bread is something that may be purchased with second-tithe money, i.e., one is permitted to buy bread with money used to redeem second-tithe, so too the word water in the verse is referring to a liquid that may be purchased with second-tithe money. And what is that? It is wine, as one may buy wine with second-tithe money, but one may not buy water; and nevertheless the verse calls it “water.”

Halaqha

Disturbances during prayer – ההלכתא בפא תר”ד: The early Sages said that one should not pray in a place where there is something that will disturb his concentration, or when he is tired or angry. Nowadays, people are not particular about such situations, because they do not concentrate properly during prayer in any case (Shulhan Arukh, Orah Hayyim 98:2).

Notes

Whoever is appealed by his wine – הלכך בפא תר”ד: This principle does not apply only to wine. Rather, one who welcomes another person’s overtures of friendship, especially when the person wishes to honor him in some way and draw closer to him, has an element of his Creator’s mind-set.

The purpose for which wine was created – הלכך בפא תר”ד: Since the Sages state in several places that wine can cause much harm and lead people to sin, it was necessary to explain that it nonetheless serves a purpose in the world (Ein Yaki’ov).
This teaches that if wine flows in a person’s house like water, there is a blessing, but if not, there is no blessing.

Rabbi Elia said: In three matters a person’s true character is ascertained; in his cup, i.e., his behavior when he drinks; in his pocket, i.e., his conduct in his financial dealings with other people; and in his anger. And some say: A person also reveals his real nature in his laughter.

The Gemara returns to the topic of eiruvin: Rav Yehuda said that Rav said: It once happened that there were two courtyards, one within the other, with a Jew and a gentile living in the inner courtyard, while a single Jew lived in the outer one. The case came before Rabbi Yehuda HaNasi for a decision as to whether carrying in the outer courtyard could be permitted without renting from the gentile, and he prohibited it. The case then came before Rabbi Hiyya, and he too prohibited it.

Rav and Rav Yosef were sitting at the end of Rav Sheshet’s lecture, and Rav Sheshet sat and said: In accordance with whose opinion did Rav say this ruling of his, with regard to the residents of two courtyards? It was in accordance with the opinion of Rabbi Meir, who maintains that a gentile renders it prohibited for even a single Jew who resides with him to carry in the courtyard, and therefore it is necessary for the Jew to rent from him. Rabba nodded his head in agreement with this explanation.

Rav Yosef said: Would two great men like these Sages, Ravba and Rav Sheshet, err in such a matter? If this ruling is in accordance with the opinion of Rabbi Meir, why do I need to state that there is a Jew in the outer courtyard? According to Rabbi Meir, even a single Jew who resides with a gentile may not carry in his courtyard, whether or not another Jew is present.

And even if you say that indeed this is the halakha, that the Jew in the outer courtyard is of no consequence, and that he is only mentioned because the incident that took place, took place in this way, and those who came to ask the question provided all the details without knowing whether they were relevant, this is still difficult. Wasn’t a dilemma raised before Rav himself with regard to this very issue: What is the halakha governing a Jew living in the inner courtyard with regard to his own place? Can he carry in the inner courtyard? And he said to them: It is permitted for him to carry there. Therefore, according to Rav, a gentile does not render it prohibited for a single Jew to carry, which is actually contrary to Rabbi Meir’s opinion.

In his cup, in his pocket, and in his anger – The Arukh explains that the phrase his pocket refers to one’s behavior when he becomes wealthy. An alternative explanation of the phrase his anger is that it refers to whether one can refrain from getting angry in the first place (Maharsha).

In his cup, in his pocket, and in his anger... – the Jew in the inner courtyard who shares a courtyard with the gentile, rather than the Jew in the outer courtyard, it is not clear why the prohibition should apply only to the latter. The Rashba explains that without the presence of the Jew in the outer courtyard, the Jew in the inner courtyard would not have been prohibited to carry, as he would be a single Jew living together with a gentile a case discussed at the beginning of this chapter. In this situation, the prohibiting factor is the Jew in the outer courtyard, and therefore the prohibition is applied to him.

Two courtyards... – two courtyards, one within the other, with a Jew and a gentile residing in the inner one, and a single Jew resides in the outer one, the gentile renders it prohibited for the Jews to carry from one courtyard to the other, in accordance with the statement of Rav (Shulhan Arukh, Orah Hayyim 382:17).

A Jew in the inner courtyard – The Rashba and Rambam (Sefer Zemanim, Hilchos Eruvin 2:11).
The Gemara raises a difficulty: Rather, what else can you say? Can you say that he ruled in accordance with the opinion of Rabbi Eliezer ben Yaakov? Didn’t Rabbi Eliezer ben Yaakov say: The gentile does not render it prohibited to carry unless there are two Jews living in the same courtyard who themselves render it prohibited for one another to carry without an eiruv? In this case they do not render it prohibited for each other to carry without an eiruv, as they do not live in the same courtyard.

Rather, you might say that he ruled in accordance with the opinion of Rabbi Akiva, who said: The foot of one who is permitted in his own place nonetheless renders it prohibited not in its own place. The Jew in the inner courtyard is permitted to carry in his own courtyard. However, in order to leave his courtyard, he passes through the outer one, in which it is prohibited for him to carry. Therefore, he renders it prohibited for the resident of the outer courtyard as well.

But if that is the case, the following difficulty arises: According to this opinion, why do I need a gentile in the inner courtyard? The single Jew living in the inner courtyard would also suffice to render it prohibited for the resident of the outer courtyard to carry in his own courtyard, even if no gentiles were present at all.

Rav Huna, son of Rav Yehoshua, said that Rav’s ruling should be understood as follows: Actually, Rav ruled in accordance with the opinion of Rabbi Eliezer ben Yaakov with regard to a gentile, and in accordance with the opinion of Rabbi Akiva with regard to a foot that renders it prohibited to carry. And with what we are dealing here? This is a case where the two Jews established an eiruv with one another. And the reason that Rav prohibited carrying in the outer courtyard is that there is a gentile who renders it prohibited to carry, but if there is no gentile, it is not prohibited, as the Jews established an eiruv with one another, and therefore they are permitted to carry.

The Gemara relates that Rabbi Eliezer raised a dilemma before Rav as follows: If a Jew and a gentile live together in the outer courtyard, and a Jew lives alone in the inner one, what is the halakha? May they carry in the outer courtyard without renting from the gentile? One could argue as follows: There, in the case where the Jew and the gentile share the inner courtyard, the reason the Sages prohibited carrying is because it is common for a Jew and a gentile to live together in such a fashion. Ordinarily a single Jew would not live together in the same courtyard as a gentile, for fear that the gentile might kill him. However, here, the Jew living in the inner courtyard believes that the gentile would be afraid to kill him, as the gentile thinks to himself: Now, were I to kill my neighbor, the Jew living in the outer courtyard might come and say to me: The Jew who used to live by you, where is he? The gentile would not be able to offer as an excuse that the Jew left, for the other Jew from outer courtyard would know whether or not he passed through his courtyard. Therefore, since that living arrangement is common, the decree applies, and the gentile’s residence in the courtyard renders it prohibited to carry there.

However, here, where the gentile lives in the outer courtyard, he is not afraid of killing his Jewish neighbor, as he says to himself: If the other Jew comes to question me, I will say to him: He went out and went on his way; I do not know where he went. In this case, the gentile would not be concerned that the Jew from the inner courtyard might question his story. Since it is uncommon for a Jew and a gentile to live together in such a fashion, the Sages did not issue a decree that the gentile’s residence renders the courtyard prohibited for carrying.

Or perhaps one would say that here, too, the gentile would be afraid to kill his Jewish neighbor, as he thinks to himself: Now, were I to kill my neighbor, the Jew living in the inner courtyard might come at any moment and see me in the act of killing his friend. Since the gentile does not know when the resident of the inner courtyard will pass through the outer courtyard, there is a chance his crime might be witnessed. In that case, it would not be uncommon for a Jew and a gentile to live together in such a fashion, and the Sages’ decree that the gentile’s residence renders carrying prohibited would apply.
A tenant and a landlord –

The Gemara discusses a situation where a gentile rents out his house to another gentile. If the landlord still maintains a measure of control over the tenant’s quarters and their use, or if he can remove the tenant whenever he wishes, it is permitted to rent the space from him for the purpose of an eiruv. If not, one may rent only from the tenant, as stated by Rabbi Yehuda of Hanasi (Shuṭhan Arukh, Orah Hayyim 382:18).

Reish Lakish explains that both Reish Lakish and his student Rabbi Hanina establish an eiruv among themselves, and then wait and see whether the gentile would return. If the gentile ultimately did not return during Shabbat, there would have been no problem. If he did arrive, they could have proceeded to rent from him. The Rashba explains that both Reish Lakish and his student Rabbi Hanina shared the doubts with regard to the ruling of Rabbi Hanina bar Yosef and his colleagues as to whether or not it is permitted to rent on Shabbat itself, as recounted in the next story.

They said: What is the halakha with regard to renting from him?

The Gemara clarifies: Anywhere that the landlord cannot remove the tenant, you need not raise the dilemma, for they clearly cannot rent it from him. If the landlord is unable to expel the tenant, the residence temporarily belongs completely to the tenant, and only he can rent it out. Where you need to raise the dilemma is with regard to a situation where he can remove him.

Rav said to Rabbi Eliezer the following verse: “Give to a wise man, and he will be yet wiser” (Proverbs 9:9), i.e., it is proper to be stringent even in such a case. Consequently, carrying is prohibited in the outer courtyard unless the Jews rent from the gentile.

The Gemara relates that Reish Lakish and the students of Rabbi Hanina happened to come on Shabbat to a certain inn that had at least three permanent residents, two Jews and a gentile who rented their quarters from the gentile innkeeper. Although the gentile tenant was not present on that day, Shabbat, the gentile landlord was present. Concerned that the gentile might return during Shabbat and rend it prohibited for them to carry, Rabbi Hanina’s students wondered whether the gentile landlord could rent out the gentile’s room again for the purpose of an eiruv.

They said: What is the halakha with regard to renting from him?

The Gemara clarifies: Anywhere that the landlord cannot remove the tenant, you need not raise the dilemma, for they clearly cannot rent it from him. If the landlord is unable to expel the tenant, the residence temporarily belongs completely to the tenant, and only he can rent it out. Where you need to raise the dilemma is with regard to a situation where he can remove him.

What is the halakha? Does one say that since the landlord can remove the tenant, they can rent the residence from him, as the landlord retains a measure of control over it, and therefore he can rent it out again for the purpose of an eiruv? Or perhaps now, in any case he has not actually removed him, which means the residence is still entirely under the tenant’s jurisdiction?

Reish Lakish said to them: Let us rent it now, as the principle is that one may act leniently in a case of doubt involving a rabbinic prohibition, and when we arrive at our Sages in the South we shall ask them whether we acted properly. Later they came and asked Rabbi Afe, who said to them: You acted well when you rented it from the landlord.

The Gemara relates a similar incident: Rabbi Hanina bar Yosef and Rabbi Hiyya bar Abba and Rabbi Asi happened to come to a certain inn, and the gentile innkeeper, who was absent when Shabbat began, came on Shabbat. They said: What is the halakha with regard to renting from him now? The Gemara explains the two sides of the question: Is renting from a gentile like making an eiruv? If so, just as one who establishes an eiruv may do so only while it is still day, so too, one who rents a gentile’s property must do so while it is still day.

Or perhaps one who rents from a gentile is like one who renounces rights to his domain; just as one who renounces rights to his domain may do so even on Shabbat itself, so too, one who rents a gentile’s property may do so even on Shabbat. In that case, they would be able to rent from the gentile in exchange for something of value, even on Shabbat itself.

Rabbi Hanina bar Yosef said: Let us rent, while Rabbi Asi said: Let us not rent. Rabbi Hiyya bar Abba said to them: Let us rely now on the words of the Elder, Rabbi Hanina bar Yosef, and rent. Later they came and asked Rabbi Yoḥanan about the matter, and he said to them:

The tenant was not present –

The tenant was not present: Why didn’t Reish Lakish and the students of Rabbi Hanina establish an eiruv among themselves, and then wait and see whether the gentile would return? If the gentile ultimately did not return during Shabbat, there would have been no problem. If he did arrive, they could have proceeded to rent from him. The Rashba explains that both Reish Lakish and his student Rabbi Hanina shared the doubts with regard to the ruling of Rabbi Hanina bar Yosef and his colleagues as to whether or not it is permitted to rent on Shabbat itself, as recounted in the next story.

Let us rent and ask –

The Ritva explains that in this situation they relied on the principle that the halakha is lenient in cases of uncertainty with regard to the halakha of eiruv. Alternatively, they relied on the principle that where a rabbinic prohibition is involved, one is permitted to act first and clarify the halakha afterward (Rav Yaakov Emden).