

הלכות תפילה (סימן צט: שתוי ושיכור לתפילה)

צט:א-ג

Outline

1. Today's Topics
 - a. Davening while intoxicated
2. שו"ע צט:א: דין שתוי ושיכור
 - a. If one drank more than a רביעית of wine, he should not daven until the wine no longer affects him. If he drank even more, then if he can speak before a king, his תפילה counts, but if he cannot speak before a king, his תפילה is an abomination and he must repeat the תפילה. If the תפילה זמן then passes, he should do תשלומין (שו"ע). The same הלכות apply to קר"ש but not to other ברכות (א).
 - i. Q: To what drinks do these הלכות apply?
 1. All intoxicating drinks; even if regarding נשיאת כפים הלכות, we limit the prohibition to wine, for תפילה, we extend it to all drinks (משנ"ב א)
 - a. Q: Do other drinks require a שיעור רביעית?
 - i. No (ט"ז מובא שם)
 1. However, there must be as much intoxicating potential as exists in a רביעית of wine (משנ"ב שם)
 - ii. Q: In what case does drinking a רביעית of wine dictate that one should not daven?
 1. Only if he drinks it at once and it is not diluted¹ (משנ"ב ב)
 - a. Q: Do these qualifications apply if one drinks more than a רביעית?
 - i. No (משנ"ב שם)
 - iii. Q: What types of wine do not cause intoxication?
 1. Wine during a meal (מג"א מובא במשנ"ב שם) or before a meal (5 הע' 5)
 - a. However, this depends on how clear one's mind is (פרמ"ג מובא שם)
 - iv. Q: Should one daven if he is שתוי and the תפילה זמן will pass?
 1. No, but if he started, he should continue (משנ"ב ג דעה 1, א"ר הע' 6)
 2. Yes because nowadays our כוונה is compromised (2 הע' 2)
 - v. Q: What is the הלכה for one who is accustomed to drinking and is not affected by just a רביעית of wine?
 1. Nonetheless, לכתחילה, he should refrain from davening (ברכ"י מובא במשנ"ב ד)
 - vi. Q: What is the status of one who davens in a state in which he cannot speak before a king?
 1. He is considered like he worshipped ע"ז; if he refrains from doing so, he is saved from distresses (משנ"ב ה)
 - vii. Q: If one begins to drink after the תפילה זמן arrives and then ends up missing the תפילה זמן because he is unfit to daven, can he do תשלומין?
 1. Yes; he is still considered שוגג unless he begins drinking without enough time left in the תפילה זמן for the effects of the wine to wane (משנ"ב ו)
 - a. Likewise, if one began to drink during ערבית של קר"ש and thought he would be able to say קר"ש before the end of the זמן, he is considered שוגג and may fulfill קר"ש after עלות השחר (7 הע' 7)
 - viii. Q: What is included in "קר"ש"?
 1. Also ברכות קר"ש (ז) (משנ"ב ז)
 - ix. Q: Do all agree that the same הלכות apply to קר"ש?
 1. No; the ברוש quotes opinions that even a שיכור may say קר"ש (משנ"ב ח)
 - a. Q: למעשה, how should one practice?
 - i. לכתחילה, he should be careful to say קר"ש without getting drunk; if he is drunk, he should still say it (משנ"ב ט), but he should not say the ברכות (גרשז"א הע' 8). If the effects of the wine wane before the end of זמן קר"ש, one should repeat קר"ש (משנ"ב י).

¹ However, the (קע:כב) משנ"ב writes that it is not ארץ דרך to drink a cup all at once unless the wine is sweet or one is heavy.

- x. Q: What do "שאר ברכות" include?
1. Even ברכת המזון (משנ"ב ט)
- xi. Q: Can a שיכור be included in groups?
1. No for a מניין but perhaps yes for זימון (משנ"ב י)
- xii. Q: Do all agree that "שאר ברכות" are treated differently?
1. No; the רמ"א says that one who cannot speak before a king should not say ברכות (משנ"ב יא)
- xiii. Q: What is the הלכה for one who reaches לוט שכרותו של לוט?
1. He is exempt from all מצות and therefore, once the effects wane, he must repeat (משנ"ב שם) and ברכות he said while in that state (משנ"ב שם)
- xiv. Q: May one who is שתוי study תורה?
1. Yes, unless he will be מורה הוראה (12 ש"ך שם יט הע' 12)
- xv. Q: Once one is לוט שיכור כשכרותו של לוט, at what point is he considered sober?
1. When others say that he is sober (14 תו"ח ו, הלכות קטנות א: קפג הע' 14)
3. (שו"ע צט: ב) הפגת היין
- a. If one travels a מיל or sleeps a bit, then such dilutes the effects of a רביעית of wine. However, if one drinks more than a רביעית, then sleep and travel by foot exacerbate the effects while travel by riding always dilutes the effects (שו"ע)
- i. Q: To what type of travel does the שיעור מיל apply?
1. All travel (דעה 1 משנ"ב יב)
2. For travel by riding, 3 מילין are required (דעה 2 משנ"ב שם)
- ii. Q: What amount of sleep exacerbates effects?
1. Only a little bit of sleep, but a lot of sleep dilutes (משנ"ב יג)
- iii. Q: Why does travel by riding dilute effects of wine?
1. Because there is not so much labor involved (משנ"ב יד)
- iv. Q: What type of travel dilutes effects of wine?
1. 3 מילין of travel, unless one drank more in which case more travel is required (משנ"ב טו)
4. (שו"ע צט: ג) הרגשת נפשו
- a. If one is drunk, he may follow when he personally feels sober (שו"ע)
- i. Therefore, we are not as careful about our wines because they are not as strong and we daven even after drinking more than a רביעית יין. We are especially not concerned for a little inebriation if one davens from a סידור (רמ"א)
1. Q: To what state of inebriation does the רמ"א's comments apply?
a. Only to שתוי but not to שיכור for whom his תפילה is considered an abomination (משנ"ב טז)
2. Q: Should the רמ"א's comments be relied upon?
a. Only as a justification but not לכתחילה (משנ"ב יז)
- ii. Q: How should one go about davening מנחה on יו"ט after drinking wine at his סעודה?
1. One may daven מנחה even if he didn't have time, especially nowadays when our כוונה is compromised (משנ"ב שם)
- a. Q: What is included in "י"ט"?
i. Even פורים (15 הע' 15)