



לע"נ ברוך בענדיט וברכה גרוס ע"ה
by Mr. & Mrs. Duvy Gross

The Hakuk Edition **English Topics on the Daf**

Dedicated l'refuah sheleima for Yaakov ben Victoria

By Rabbi Mordechai Papoff

THE SIXTH PEREK OF YEVAHOS IS DEDICATED:

לע"נ גרשון בן החבר מרדכי



YEVAHOS DAF 54 IS DEDICATED:

L'Zecher Nishmas Chana bas Abraham and Adi ben Tzvi

Yevamos Daf 54

The Gemara says that yibum cannot be done while asleep, but if "misnamnem," half-asleep, it will work. The Gemara describes this state.

Thus, the kinyan of yibum can be made while half asleep; he has kavana for biyah. Is this effective for all halachos?

The Shulchan Aruch mentions this concept in hilchos Megillah (O.C. 690:12). Interestingly, he writes that if one reads the Megillah while misnamnem, he's yotzei, but he hears it like that he is not yotzei. What's the difference?

The source for this ruling the following. The Mishnah in Megillah says that one who reads it misnamnen is yotzei, and yet the Yerushalmi recounts that Rabbi Zeira told someone in this situation to repeat it? The Beis Yosef cites an explanation that the Yerushalmi refers to someone who heard it in such a state. Why is hearing it more stringent? The Mishnah Berurah says that if someone is sleepy he can still ascertain to read all the words. But one who just listening like that probably will miss a few words and so is not yotzei.

What about listening to tekiyas shofar? Someone wanted to compare it to mikreh Megillah; he shouldn't be yotzei. But Rabbi Shmuel Kaminetzky shlit"a argues that he would be yotzei. Why? When one listens to the Megillah reading, he must concentrate and discern the precise words he hears, in order to be yotzei. Indeed, the Mishnah Berurah emphasizes that one who reads the Megillah misnamnem is yotzei only if he had kavana at the beginning of the keriya. However, when hearing the shofar blown, he merely has to hear the sounds, even if he doesn't know which one is which. This level of cognizance is possible in a state of misnamnem (Kovetz Halachos, Rosh Hashanah p. 162).

Another application is keriya Shema. The Shulchan Aruch (63:5) says that if a person is sleeping, "we have to agitate him and wake him up until he is fully awake to say the first possuk. For the rest of Shema, even if he is misnamnen he is yotzei." This indicates that one isn't capable of having kavana in this state.

Similarly, the Rema (32:19) warns that if someone is very sleepy he

should not write tefillin, since he cannot have kavana to write it lishmoh.

If so, what is the bottom line of misnamnem – if he can't concentrate on what he's doing, why does it work in some areas of halacha?

In Birchas Avraham (here) he sets out the parameters. He emphasizes that acquisitions cannot be made while misnamnem since one lacks "daas," conscious intention. But things which need only kavana, general intent to do the mitzvah or act of biyah, may be performed then. The first line of Shema is the mitzvah dioraisa, so one must have total alertness for kabalas ol malchus Shomayim. When writing Hashem's Name in tefillin, as well, one must specifically concentrate on its kedusha. Reading the Megillah requires kavana only at the onset, as the Shaar Hatzion notes; that level of consciousness is possible.

Teshuvos Radvaz (Vol. 5, Leshonos HaRambam, 1498) comments on the Rambam's order of halachos of kesivas Megillah (2:5-6). The Rambam first says that if one is writing a Megillah, reading as he goes, and has intention to fulfill the

mitzvah, he is yotzei. The Rambam continues, "if he read it while misnamnen, since he didn't fall fully asleep, he's yotzei." Then the Rambam returns to details of reading it while writing it. Why did he insert misnamnen in the middle?

The Radvaz answers that the Rambam is hinting to the degree of kavana required. As long as he didn't fall asleep totally, he can still have kavana. (He then addresses another question: why does the Rambam have to say that he can't be yotzei while asleep – how could one read while asleep? He asserts that many activities may be done while asleep. "I have seen many people writing out their business calculations while asleep. I saw someone walk to buy flour asleep; afterwards he denied having moved from his place!" He saw another fellow fall asleep while walking up a ladder...)

This aligns well with the Ramban in Berachos (22b) who says a misnamnem cannot daven Shemoneh Esrei, because he is "standing before the King." Although he is capable of a lower level of concentration, it is not

enough when speaking directly to Hashem.

Learning Torah in this state is acceptable. The Gemara (Berachos 3b) says that Dovid Hamelech was misnamnem until chatzos every night, and Rashi explains he was learning while half-asleep.

What if someone did a sin while misnamnem – does he have to do teshuvah? Teshuvos Pe'as Sodecha (1:44) ponders if someone was mechalel Shabbos like this. On the one hand, we wouldn't say he's chayiv a korbon chatos, because he is not fully aware of what he is doing. We hold like R' Yehoshua (Kerisus 19b) that even one who pulls out a plant from the ground, thinking it was already cut, is exempt from a chatos. But since he is somewhat awake, he should do some teshuvah efforts.