

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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Shiur #2: The Accompaniment of Shofar

The previous shiur illustrated the role shofar plays in transforming a human prayer into an instinctive animal cry. This shiur will examine a second (and ironically contradictory) facet which the shofar adds to tefilla.

The gemara (26a) which studied the application of ein kateigor (see previous shiur) to various mitzvot claimed that it would apply only to mitzvot which are ornamental or enhancing by nature. Hence, a kohen gadol on Yom Kippur, may carry coals into the kodesh ha-kodashim with a gold pan - despite the association between gold and the egel ha-zahav - since the carrying of coals is a base avoda and not an enhancing one. Tosafot immediately question this principle based on the application of ein kateigor to shofar - seemingly a non-enhancing avoda. Tosafot respond that through the shofar a person is "mitna'eh" - appears more favorable - before Hashem. This statement seems to counter the previous view of shofar as the REDUCTION of a human voice into an animal one. Presumably, the musical sound of the shofar enhances and embellishes the human tefilla perhaps by providing musical accompaniment. Tosafot do not specify how the shofar beautifies only that it does enhance.

Conceptually, this position would greatly impact the role of the shofar itself. If the sound of the shofar is meant to provide musical accompaniment to the tefilla, we would certainly envision a pivotal role played by the actual shofar as a musical instrument. This evokes the famous position of the Rambam that the shofar IS NOT the actual item of the mitzva. A person cannot perform lulav with a stolen lulav because of mitzva ha-ba'a ba-aveira - the object of the mitzva ('cheftza shel mitzva') cannot be an object of an aveira ('cheftza shel aveira'). However, a stolen shofar may be used, according to the Rambam, since the object of the mitzva is the emitted sound and not the actual shofar. The shofar was stolen; the generated sound was not. There is thus no overlap between the cheftza shel mitzva (sound) and the cheftza shel aveira (stolen shofar). By downplaying the role of the actual shofar in favor of the sound, might the Rambam be rejecting the aforementioned concept? If the shofar provides musical accompaniment, would not the musical instrument participate in this embellishment?

By stark contrast, the Ramban greatly stresses the role of the actual shofar. In a revealing commentary to the mishna (26a), the Ramban develops certain criteria regarding the actual shofar. First of all, the shofar must be a horn and not a bone. Hollow horns (even if filled with membrane) are valid, while solid bones – even if subsequently hollowed out - are invalid. The mishna did not bother to iterate the disqualification of solid bones because it is obvious that these do not even meet the minimum requirements of shofar. The mishna does address hollowed out horns and gauges their suitability for shofar. When considering the set of shofars that grow in a hollow manner, the mishna validates all types except for the horn of a cow – since it does not achieve the title of shofar. According to the Ramban, once the horns are processed and treated they emerge as refined and enhanced instruments. The Ramban claims that the word 'shofar' stems from the root 'shipur,' which connotes improvement or enhancement. Most horns attain this status after undergoing a manufacturing process. A horn of a cow never reaches this state and therefore never achieves the status of shofar. Though the Ramban does not elaborate, he might be suggesting that a cow's horn always remains a simple, inelegant horn, and thus does not qualify for use in performing the mitzva.

The Ramban's reading of the mishna in Rosh Hashana is both striking and novel. One powerful idea emerges: a shofar is MEANT to be an elegant and refined instrument. This concept certainly echoes the notion that a shofar, through its musical contribution, enhances and beautifies the tefilla.

A second passage of the Ramban expresses this notion in equally powerful terms. The mishna (27a) lists several physical defects – such as a hole or a split - which disqualify a shofar. Most Rishonim attribute this disqualification to a fundamental suspension of the shofar's identity. A split shofar is no longer considered a 'shofar' but is merely broken pieces of an animal horn. The Ramban, in his derasha, was not satisfied with this definition. Why can't split pieces of an animal horn be considered shofar material? Instead, he asserts that a shofar with a hole cannot be considered a halakhic 'keli,' or vessel. Several areas of halakha require a formal 'keli.' For example, only an item with this 'keli' designation will become tamei if touched by a sheretz (an insect that generates tum'a). A utensil with a hole in many cases is no longer defined as a 'keli' and can no longer be mekabel tuma. Similarly, a shofar with a hole cannot be considered a 'keli' and is therefore invalid for shofar. Again, the Ramban makes the astounding assumption that a shofar must be defined as a 'keli' to be valid for tekiot. This concept has no prior basis in any other gemarot but clearly coincides with the previous statements of

the Ramban. A shofar represents an elegant musical instrument meant to beautify the tefilla. Since a cow's horn remains inelegant, and a split shofar does not retain its status as an instrument or 'keli,' neither may be used for the mitzva of shofar.

Clearly, this perspective of the Ramban must be viewed in light of aforementioned comment of the Rambam which DE-EMPHASIZES the actual shofar. The Rambam viewed the sound, not the shofar, as the cheftza shel mitzva, and hence a stolen shofar may be used. It is virtually impossible that the Rambam would accept or even consider the Ramban's invalidation of a broken shofar on the grounds that it is no longer a 'keli.' The shofar is NOT the cheftza shel mitzva, but rather just a device to generate a sound which affects our experience and our tefilla. By contrast, the Ramban does acknowledge the shofar as an instrument. Conceivably, the Ramban's instrument produces musical accompaniment to shofar whereas the Rambam merely demands the production of an animal cry (as discussed in last week's shiur).

A third statement of the Ramban may be understood in this light, as well. Again in his derashot, he questions whether the shofar of a non-kosher animal may be used. Based on a gemara in Shabbat (28a) which suggests that certain Mikdash-based mitzvot require items from permissible animals, he ponders the case of shofar. At its root, the question revolves around the issue of whether shofar is considered a Mikdash-based mitzva (see especially last years shiur, #3 entitled: "A 'Mum' in a Shofar" for an elaboration of this concept). However, the question also highlights the emphasis placed by the Ramban on the actual shofar as a musical instrument enhancing the tefilla. Again, it is difficult to imagine the Rambam disqualifying shofars from non-kosher animals. The shofar is not the cheftza shel mitzva and can thus be a stolen item or, alternatively, be taken from an impure animal.

Ke-tiva ve-chatima tova
lanu ve-le-kol am yisrael
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