

**YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

**TALMUDIC METHODOLOGY
By: Rav Moshe Taragin**

The Halakhic Definition of the Mitzva of Shofar

The Torah's description of the mitzva of blowing shofar on Rosh Hashana is atypical in that a direct verb is not employed. The Torah writes that we must EAT (tokhlu) matza, SIT (teshvu) in the sukka and BIND (u-keshartam) tefillin upon our arms. Yet, when describing the mitzva of shofar, no such verb appears. Instead, the Torah refers to the DAY of Rosh Hashana as "Yom Teru'a," a day of blowing, and "Zikhron Teru'a" – a day of remembrance mediated through the shofar. This week's article will explore the ramifications of this phenomenon, particularly as it regards the definition of the mitzva.

The Rambam is quite explicit in altering the definition of the mitzva. He consistently defines the mitzva as one of HEARING the shofar rather than BLOWING. This definition appears three times: in the Sefer Ha-mitzvot (positive commandment 170), in the title to Hilkhhot Shofar, and in Hilkhhot Shofar (3:10). This definition affects the syntax of the berakha, as well. Since the mitzva constitutes hearing the shofar, the berakha formulated by the Rambam reads, 'lishmo'a kol shofar' – (to hear the shofar sound), and not 'litko'a shofar' - (to blow the shofar).

A second indication of the Rambam's position can be inferred from the Rambam's comments concerning a shofar which was stolen and then used to perform the mitzva. In general, one cannot use a stolen item to perform a mitzva. The classic example of this principle can be found in the gemara Sukka (30a) concerning a stolen lulav. This principle is known as 'mitzva ha-ba'a ba-aveira' - a mitzva whose performance was facilitated through the performance of an aveira – such as stealing. A stolen item is invalid for use as an article of a mitzva. However, the Rambam (based upon a Yerushalmi in Sukka) permits using a stolen shofar since 'a sound cannot be stolen' (ein be-kol din gezel). Had the mitzva been viewed by the Rambam as one of blowing, the actual shofar itself would be considered the article of the mitzva.

A stolen shofar would therefore be invalid. If, however, the mitzva is defined as hearing, the ARTICLE OF THE MITZVA is the actual sound, and the shofar merely the TOOL by which the article of the mitzva is manufactured; hence, it may be used to generate the sound. Ultimately, the sound which is the article of the mitzva is not stolen. This rule further establishes that the Rambam viewed the definition of the mitzva as hearing the shofar.

Though this position – that the mitzva is to hear and not to blow - stems from the aforementioned textual aberration, it has little foundation in the gemara. The only Talmudic source which might support this position can be found in Rosh Hashana (27b) – a gemara cited by the Lechem Mishneh in his comments to the Rambam. The gemara addresses a situation whereby the shofar is blown in a 'pit' or cave while the audience stands beyond or above. Being that they do not hear the actual sound of the shofar but only the echo, the gemara asserts that they do not fulfill the mitzva. This disqualification applies even to the person blowing the shofar – for example, if he inserts the shofar into the sound cave while he (and his ears) remain beyond. One can conclude from this gemara that the shofar must be heard in order for the mitzva to be fulfilled. If the authentic shofar sound is not heard, the mitzva is not performed – even if it was blown. Evidently, the mitzva involves hearing and not blowing. (It should be noted that this gemara does not prove that hearing is sufficient, only that it is necessary!!)

Though most Rishonim follow the Rambam's lead and define the mitzva as hearing the sound of the shofar, there are those who disputed this notion. The Ri"f in Rosh Hashana (page 11a in the pagination of the Ri"f) cites a question which was presented in the contemporary academies of learning (mesifita) about talking between the berakha of shofar and the actual blowing. The question assumes the berakha is recited as 'AL TEKIYAT SHOFAR,' as opposed to the aforementioned berakha of the Rambam's lishmo'a. Similarly, the Rosh (both in his commentary to Pesachim as well as his commentary to Rosh Hashana) quotes the Rabenu Tam who claims that the berakha should be recited upon the actual blowing ("al tekiyat shofar"). Evidently, he felt that the mitzva consists of the act of blowing and not the actual hearing. The Semag, as well, rules that the mitzva consists of blowing and that a similar berakha should be recited.

Though the pasuk and the weak verb seem to support the position of the Rambam, there exist two gemarot which would seem to question his

theory and suggest that the mitzva DOES constitute some form of BLOWING and not just HEARING. The mishna in Rosh Hashana (29b) invalidates a cheresh, shoteh ve-katan (a deaf person, mentally handicapped, or minor) from blowing the shofar on behalf of others. Had the mitzva consisted merely of hearing a shofar blast, why would we disqualify a minor from providing this sound? The blowing is merely the manufacturing of the sound rather than the actual performance of the mitzva and, in theory, could be performed by a minor. For example, the gemara in Shabbat (23a) cites an opinion which claims that the mitzva of Chanuka candles is to see the lit menorah and not necessarily to perform the act of kindling. According to this position, a minor can light and another person can see these lit candles, recite a berakha and fulfill the mitzva. According to the Rambam, the same should apply to shofar. Since the mitzva is merely experiencing the sound (parallel to experiencing the light), a minor should be allowed to blow while others hear and thereby fulfill their mitzva. From the rule that the shofar must be blown by a 'gadol' - someone above the age of 13 - we might deduce that the actual blowing comprises part of the mitzva. (This question was first posed by the author of the Kapot Temarim in his commentary to Rosh Hashana called 'Yom Teru'a').

In defense of the Rambam, we might claim that the manufacture of a shofar blast is not as effortless as lighting a candle. As the shofar blast is not meant to be a bare sound but rather a symbolic note comprising various experiential moments of Rosh Hashana, it must be generated by someone who is sensitive to these facets. Though the mitzva consists of hearing, the listener must hear a halakhically viable shofar sound which can be generated only by a gadol.

A second halakha which might pose a challenge to the Rambam's position is the question of kavana - or intention. Generally, we rule that 'mitzvot ein tzrikhot kavana' – mitzvot can be performed without intent to fulfill them. For example, if a person eats matza on the 15th of Nissan without any intention of performing the mitzva, he still fulfills the mitzva. Yet, with regard to shofar, the gemara claims that some form of kavana (intent) is indispensable (see Rambam Hilkhos Shofar 2:4). Particularly puzzling is the rule that the blower must intend to include the listener and the listener to hear from the blower. If the mitzva is merely hearing a shofar blast, we might not be able to justify this kavana requirement. If, however, we claim that the mitzva entails the act of blowing we might better understand the need for the person blowing to blow with some consciousness of what he is doing as well

as intention to include others (who are also obligated to blow) within his blowing. This question (and proof) was posed by the Sha'agat Aryeh in chapter 6.

The full range of options for solving the kavana requirement according to the Rambam are beyond the context of this article. A related issue, though, should be examined and might, ironically, support the Rambam's position: The very fact that Reuven's blowing can be considered fulfillment of Shimon's obligation - the kavana requirement notwithstanding. The Rambam wrote a responsum (see Responsa of the Rambam [Blau] volume 1 responsum 142) in which he reiterated his opinion that the mitzva consists of hearing. Had the mitzva consisted of blowing, it would not be possible for one to blow for many. Just as Reuven cannot sit in the sukka on Shimon's behalf and put on tefillin for him, similarly, he should not be able to blow for him. Evidently, the Rambam inferred, the mitzva is not to blow but to hear.

The Beit Halevi provides a very interesting concept which might resolve this issue of Reuven blowing for Shimon according to those who perceive the mitzva as blowing. In the end of his second volume of responsa, the Beit Halevi includes several 'derashot.' In his 15th derasha, he discusses the prayer experience of Rosh Hashana. He questions the efficacy of prayer offered with the same mouth which committed sins during the course of the year. To solve this dilemma he cites the gemara in Rosh Hashana (16b) which instructs us to recite pesukim of malchuyot and zikhronot on Rosh Hashana. The gemara asks with what should these pesukim be recited? The gemara replies: with the shofar. In other words, according to the Beit Halevi, a shofar represents more than just a formal act of blowing. It also entails a non-verbal form of prayer - and, according to the Beit Halevi, a purer form of supplication, unencumbered by sin. If, indeed, shofar constitutes a form of prayer we might better understand one person blowing on behalf of another. Though Reuven cannot perform mitzvot for Shimon he can read texts or pray on behalf of a listener. Such scenarios are called 'shomei'a ke-oneh' - whereby the listener is considered as having recited himself. This phenomenon applies only to mitzvot which entail text-recitation. According to the Beit Halevi, the shofar is a non-verbal manner of expressing the text of the Rosh Hashana prayer. As such, even though the mitzva is defined as blowing, since it is a form of prayer, one person's prayer can include others.

AFTERWORD:

The issue discussed within this article has many broader ramifications, regarding the manner of manufacturing the sound of shofar, the relationship between the blower and the listener, and the role of kavana. All of the questions posed can and must be re-evaluated based upon analysis of these particular issues.