



## **Maimonides on Hearing the *Shofar***

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In his listing of the 248 Biblical commands in *Sefer Ha-mitzvot* (asei 170), Maimonides writes, “He commanded us to hear the sound of the *shofar* on the first day of Tishrei.” Maimonides quite clearly defines the *mitzva* as an obligation to hear the *shofar* sound, as opposed to an obligation to blow the *shofar*. He similarly writes in the opening passage of the Hilkhot Shofar section of *Mishneh Torah* (1:1), “There is an affirmative command to hear the blast of the *shofar*.”

### **Three Models of *Mitzvot***

To understand the significance of Maimonides’ formulation, we need to note a simple distinction between different kinds of *mitzva* obligations. Most *mitzvot* demand personal performance. A person bears a personal obligation to don *tefillin* each day, for example, and to study Torah, place *tzitzit* on his four-cornered garment, and hold the *lulav* on Sukkot. The common denominator between these *mitzvot* is that they all demand that the individual personally perform an act, and do not allow for fulfilling the obligation by proxy.

A second model is a *mitzva* which a person has the option of performing through an agent. A father bears the obligation to circumcise his newborn son, but this is normally done by soliciting the services of a professional *mohel*. Fathers are not required to study the skill of circumcision, and instead enjoy the option of simply hiring somebody to perform the act on their behalf. Another example of this category is the obligation to eliminate *chametz* from one’s possession before Pesach. It is acceptable to hire a cleaner to rid the house of *chametz*, and even to burn the *chametz* on Erev Pesach. Similarly, a person may appoint an agent to separate *teruma* and *ma’aser* from his produce, or to give charity from his account. People who build new homes usually hire somebody to erect the parapet around the balcony, rather than perform this *mitzva* themselves. In these instances, the individual fulfills his obligation through the halakhic principle of *shelucho shel adam kemoto*, which views a designated agent as equivalent to the individual who authorized him.

Of course, as mentioned, not all *mitzvot* allow for the designation of a proxy. Certain personal obligations – such as Torah study, *tefillin*, *lulav* and *sukka* – must be performed by the individual himself, and one cannot assign another person to perform the required act on his behalf.

There is yet a third category of *mitzva*, which consists of *mitzvot* requiring the recitation of a certain text. Common examples include *Megila* reading on Purim, and *kiddush* on Shabbat. Generally, one person at the table recites *kiddush* on behalf of the others, and congregants fulfill their obligation to read the *Megila* by hearing the reader.

It must be emphasized that in these instances, the requirement is to read, and not to hear, the given text. However, a person has the option of fulfilling his obligation by hearing the recitation, because of the famous principle of *shomei'a ke-oneh*, which equates hearing with reciting. A person who listens to *kiddush* can be considered as having personally recited the text, and he thereby fulfills his obligation to recite *kiddush*. (In principle, this law also applies to prayer and *birkat ha-mazon*, though in practice we generally do not rely on *shomei'a ke-oneh* with regard to these *mitzvot*, for reasons that lie beyond the scope of our discussion.)

The question that many scholars have addressed concerning the *mitzva* of *shofar* is in which category of *mitzvot* this obligation belongs. While it is obvious from both the Talmud and time-honored tradition that one person sounds the *shofar* for the congregation, the halakhic mechanics of this arrangement are, at least at first glance, unclear. One possibility is to equate the *mitzva* of *shofar* with obligations such as *kiddush* and *Megila*. Fundamentally, according to this approach, the Torah requires each individual to personally sound the *shofar* – just as each individual is required to recite *kiddush* every Shabbat. However, just as the rule of *shomei'a ke-oneh* allows one who hears the *kiddush* recitation to be considered as though he recited the text, similarly, one who listens to the *shofar* blasts can be considered as having blown the *shofar*. Alternatively, one might argue that listening to the *shofar* does not require implementing the rule of *shomei'a ke-oneh*. Rather, the essential definition of the *mitzva* is to hear the *shofar*, not to blow the *shofar*. The congregants in the synagogue fulfill their obligation not because they are considered as though they personally blow the *shofar*, but rather because this is precisely what the *mitzva* demands – listening to the *shofar* sound.

According to the first approach presented, *shofar* belongs in the same category as *Megila* and *kiddush* – *mitzvot* which require reciting a certain text, or, in this case producing a certain sound, which one can fulfill by listening to the recitation and thereby being deemed as having personally recited it. According to the second approach, *shofar* belongs to the first category of *mitzvot* – obligations which one must fulfill personally, and cannot perform through any sort of agency. This approach claims that the Torah requires listening to the *shofar*, and the listeners thus fulfill the obligation not through the agency of the person blowing the *shofar*, but rather more directly, by doing precisely what the *mitzva* demands.

### **Maimonides' Position**

Maimonides, of course, as cited above, quite clearly followed the second of these two approaches. He explicitly defines the obligation of *shofar* as requiring hearing the *shofar* sound, as opposed to the act of blowing. Consistent with this definition, Maimonides writes toward the end of *Hilkhot Shofar* (3:10) that before sounding the *shofar* one recites the *berakha*, “*li-shmo'a kol shofar*” (“to hear the sound of the *shofar*”). This text of the *berakha* clearly reflects the definition of this *mitzva* as an obligation to hear. Maimonides' ruling is in contrast to the view of Rabbenu Tam (cited by the Rosh, *Masekhet Rosh Hashanah* 4:10), who held that before blowing *shofar* one recites the *berakha*, “*al teki'at shofar*.” Rabbenu Tam's text defines the obligation as requiring the act of blowing, as opposed to hearing the sound of the *shofar*.

Another expression of this view is Maimonides' famous ruling validating a blowing performed with a stolen *shofar* (Hilkhos Shofar 1:3). *Halakha* generally disqualifies *mitzva* acts performed with stolen property. For example, if somebody stole a *lulav* and used it for the *mitzva* of four species on Sukkot, he has not fulfilled his obligation of *lulav*, since he performed the *mitzva* with stolen goods. However, Maimonides maintains that one who uses a stolen *shofar* for blowing on Rosh Hashanah has, technically, fulfilled his obligation. He explains, "The *mitzva* is [fulfilled] only by listening to the sound. Even if he never touched it or lifted it, the listener fulfills his obligation, and there is no stolen status with sound." The "*mitzva* object" is not the *shofar* itself, but rather the sound it produces. The *shofar* is merely the means by which a person creates the *mitzva* object. And since sound is intangible, it cannot be "stolen" in the strict, legal sense. Therefore, one who hears the sound of a stolen *shofar* has fulfilled the obligation, since he did not actually perform the *mitzva* with a stolen article.

Maimonides elaborates on this position further in one of his published responsa (*Teshuvot Ha-Rambam*, 142), in which he was asked to explain the reason for reciting the *berakha* of "*li-shmo'a kol shofar*" rather than "*al teki'at shofar*." He responded that if we would define the obligation as requiring blowing the *shofar*, then each individual would be required to personally sound the *shofar*, and there would be no possibility of fulfilling this *mitzva* by listening to the *shofar* sound. The fact that *Halakha* allows the congregation to fulfill the *mitzva* by listening to the *shofar* sound proves that the *mitzva* is defined in terms of listening, and not the act of blowing.

Implicit in Maimonides' comments is a basic distinction between blowing a *shofar* and reciting a text. With regard to recitations such as *kiddush*, the mechanism of *shomei'a ke-oneh* enables the listener to become the speaker, and therefore one who hears *kiddush* fulfills his obligation since, halakhically speaking, he recited the *kiddush* text. Maimonides here works off the assumption that this mechanism is limited to *mitzvot* involving the faculty of speech. A person who hears words can be considered as having recited those words through the mechanism of *shomei'a ke-oneh*. Blowing a *shofar*, however, differs from reciting a text and is therefore not subject to the rule of *shomei'a ke-oneh*. *Halakha* offers listeners to a text the possibility of having the status of speakers, but does not provide this kind of mechanism for those listening to the blast of a *shofar*. Therefore, Maimonides reasons, if *Halakha* allows congregants to fulfill the *mitzva* of *shofar* by listening to the *shofar* blowing, we must conclude that the *mitzva* is defined as an obligation to hear the *shofar*, and not as an obligation to blow the *shofar*.

### **An Inconsistent Position?**

Many later writers noted what appears to be a glaring inconsistency in Maimonides' approach to the *mitzva* of *shofar*. In the sources cited above, he very clearly defines the *mitzva* as an obligation to hear the *shofar*, in which case one who hears the *shofar* blast fulfills his obligation irrespective of the *shomei'a ke-oneh* mechanism. Yet, in at least two respects, Maimonides seems to impose upon *shofar* blowing the qualifications that apply when implementing *shomei'a ke-oneh*.

Firstly, Maimonides rules that a person does not fulfill the obligation of *shofar* if he hears the *shofar* blown by somebody who is exempt from the *mitzva* (Hilkhos Shofar 2:2). For example, if a child sounds the *shofar*, people who hear the blasts do not fulfill

their obligation through this blowing, since the child is not yet included in the *shofar* obligation. Seemingly, if the obligation is defined as hearing the *shofar* sound, it should not matter whether or not the sound was produced by somebody included in the *mitzva*. This condition indicates that listeners fulfill the *shofar* obligation through the mechanism of *shomei'a ke-oneh*, which requires that the person reciting the given text is included in that obligation. Thus, for example, an adult does not fulfill the obligation to recite *kiddush* by hearing a child's recitation. That Maimonides imposed such a condition upon *shofar* blowing would seem to suggest that listeners require the system of *shomei'a ke-oneh* to fulfill the obligation.

Two passages later (2:4), Maimonides imposes yet another condition that indicates the utilization of *shomei'a ke-oneh*. Based on a discussion in the Talmud (Masekhet Rosh Hashanah 28-29), Maimonides rules that the person blowing the *shofar* must have the listeners in mind; he must have clear intention that the listeners will fulfill their obligation through his act of blowing. If a person on Rosh Hashanah rehearses the *shofar* blowing, for example, and thus clearly has no intention to fulfill the *mitzva* through this blowing, people who hear the *shofar* blasts do not fulfill their obligation. Since the person blowing did not intend for the listeners to fulfill the *mitzva* through these blasts, the obligation remains unfulfilled. For that matter, if a person blows the *shofar* for another individual, and does not have anybody else in mind as he blows, other people who hear the *shofar* sounds do not fulfill their obligation. Since the blower did not have those individuals in mind as he sounded the *shofar*, they cannot fulfill the *mitzva* through this blowing.

This restriction, too, seems inconsistent with Maimonides' definition of the *mitzva* as an obligation to hear the *shofar* sound. What difference should it make whether or not the individual blowing the *shofar* had the listeners in mind? If the listener heard a valid *shofar* sound, and he had intention to fulfill the *mitzva*, this should suffice to fulfill the obligation to hear the sound of the *shofar*. The requirement that the blower must have the listener in mind appears to reflect a *shomei'a ke-oneh* arrangement, where both the speaker and the listener must have intent for the recitation to fulfill the listeners' obligation.

How can we reconcile these two conditions with Maimonides' definition of the *mitzva* as an obligation to hear the *shofar* sound, as opposed to an obligation to blow the *shofar*?

## **A Two-Tiered Obligation**

One approach that some scholars proposed suggests ascribing a secondary role to the blowing of the *shofar*. Even if the essential definition of the *mitzva* is to hear the sound of the *shofar*, this does not necessarily negate the significance of the act of blowing. And once the act of blowing becomes a necessary – albeit secondary – component of the *mitzva*, then we must resort to *shomei'a ke-oneh* to allow listeners to fulfill their obligation without personally blowing the *shofar*. This will account for the conditions which Maimonides imposes, as discussed above, which must be met when implementing the *shomei'a ke-oneh* mechanism.

Rav Avraham Borenstein of Sochatchov (1839-1910), in his work *Avnei Neizer* (O.C. 1:40), proposes one variation of this approach. He notes that one of the Scriptural

sources for the *shofar* obligation is a verse in Tehillim (81:4), “*Tik’u ba-chodesh shofar*” (“Sound a *shofar* in the [first] month”). This verse clearly formulates the obligation as requiring the act of blowing (“*tik’u*”), perhaps indicating that this act plays an important role in fulfilling the *mitzva*. Thus, although Maimonides defines the *mitzva* as requiring one to hear the *shofar*, it is possible that the Torah also requires one to perform the act of blowing.

Rav Yosef Dov Soloveitchik, as cited in Rav Herschel Schachter’s *Eretz Ha-tzevi* (pp. 19-21), developed a different formulation of this approach to explain Maimonides’ position. Rav Soloveitchik distinguished between two aspects of *mitzva* performance: the *ma’aseh*, and the *kiyum*. The *ma’aseh* is the physical act which the *mitzva* requires one to perform, while the *kiyum* refers to the ultimate goal of the *mitzva*. Normally, the two are one and the same. A person who dons *tefillin* achieves the goal of the *mitzva* at the same moment at which he performs the physical act of tying the *tefillin* to his arm and head. In some instances, however, the ultimate purpose of the *mitzva* is a certain emotional experience or awareness, which is engendered through the performance of a physical act. A classic example of such a *mitzva*, as Rav Soloveitchik often noted, is prayer. Maimonides (*Sefer Ha-mitzvot, asef* 5) defines the Biblical obligation of prayer as a requirement to “serve” God with one’s heart, clearly referring to a certain awareness or experience. Of course, one cannot fulfill this *mitzva* without performing the physical act of verbalizing the words. This act constitutes the *ma’aseh*, the formal act required by the *mitzva*, whereby one achieves the *kiyum*, the ultimate goal of the *mitzva*, which is the experience of communion with one’s Creator.

Rav Soloveitchik suggested that the *mitzva* of *shofar*, too, features a certain gap between the *ma’aseh* and the *kiyum*. Essentially, as Maimonides clearly writes, the *mitzva* is defined as an obligation to hear and be stirred by the sound of the *shofar*. However, this is to be achieved through the physical act of blowing, just as the goal of prayer – communion with God – is achieved through the act of reciting a liturgical text. Thus, even though the *mitzva* is defined in terms of hearing, it also requires the act of blowing. Those who hear the *shofar* must therefore rely upon the system of *shomei’a ke-oneh* to fulfill their obligation, which includes the act of blowing.

We should note, however, that this approach fails to take into account Maimonides’ comments in the responsum cited earlier. Maimonides proved that the *mitzva* of *shofar* is defined as hearing, rather than blowing, from the simple fact that *Halakha* does not demand of each individual to personally sound the *shofar*. If the obligation were to perform the act of blowing, Maimonides asserted, then one would not have the option of fulfilling this *mitzva* by simply hearing somebody else sound the *shofar*. This argument, as we discussed, quite clearly works off the assumption that *shomei’a ke-oneh* cannot be implemented in the context of *shofar*, as this mechanism can be used only when dealing with the recitation of a text.

If so, then Maimonides could not have applied *shomei’a ke-oneh* in the context of *shofar* at all. In his view, *shofar* blowing does not require an individual to perform an act of blowing, neither as the essential definition of the *mitzva* nor as a secondary component. Since *Halakha* does not recognize the possibility of “blowing” through listening, as it does with regard to reciting a text, we must conclude that the *mitzva* of *shofar* does not require one to blow, but rather only to hear.

Thus, our original question resurfaces: why does Maimonides require listening to a *shofar* from somebody who is included in the obligation, and why must the blower have intention for his blowing to satisfy the listener's obligation?

### **The *Shofar* Sound as a Dialogue**

To answer this question, we need simply to identify a different purpose served by the required intention of the blower, and by the requirement that the blower is included in the obligation. Evidently, these requirements stem not from the specifications of *shomei'a ke-oneh*, but rather from a more nuanced understanding of the *mitzva* of *shofar*. (The approach presented here is based upon Rabbi Avraham Feintuch's discussion in his *Pikudei Yesharim* commentary to *Sefer Ha-mitzvot*.)

The Gemara in Masekhet Rosh Hashanah (29a) presents a seemingly peculiar *halakha* regarding the obligation of *shofar*. The *halakha* relates to the status of a "*chatzi eved va-chatzi ben chorin*," a gentile servant who was co-owned by two Jews, one of whom ultimately released him from servitude. *Halakha* treats the partially-freed servant as a "half free man" and "half-servant." Since one of the two owners freed the servant (and freeing a gentile servant completes his process of conversion), one portion of him is a full-fledged Jewish man, while the other portion is still a servant, who is exempt from the *shofar* obligation. As such, the Gemara establishes, this servant cannot fulfill the *shofar* obligation by blowing the *shofar*. When he blows the *shofar*, the blasts are produced jointly by a servant and a free man. The "servant portion" of the *shofar* blast is incapable of fulfilling the obligation borne by the "free man portion" of this individual. As such, his "free man half" cannot fulfill its obligation through this *shofar* sound, which was partially produced by a servant.

Rav Soloveitchik (*Yemei Zikaron*, p. 143) noted that it is only with regard to the obligation of *shofar* that we "split" the *chatzi eved va-chatzi ben chorin* into two distinct people. For example, a servant in this situation would certainly be obligated to eat *matza* on Pesach, even though the *matza* is partially eaten by a servant. We consider him to have fulfilled his obligation, and do not disqualify the act because the individual's "servant half" participated in it. Likewise, Rav Soloveitchik noted, the servant can fulfill the obligation of kindling the Chanukah lights, and we do not disqualify the act because it was performed partially by a servant.

Why do we treat this half-servant as two separate people specifically in the context of *shofar* blowing?

Rav Soloveitchik answered based on Maimonides' celebrated comments concerning the symbolism underlying the *mitzva* of *shofar*:

Even though sounding the *shofar* on Rosh Hashanah is a Scriptural decree, it [also] contains an allusion, as if to say: Awaken, those who sleep, from your sleep, and arise, those who slumber, from your slumber; inspect your deeds and perform repentance, and remember your Creator, those who forget the truth amidst the vanities of the time, and waste the entire year in vanity and vacuity which can neither yield benefit or rescue. Look into yourselves and improve your paths and deeds; let each of you return from his evil way, and [from] his improper thoughts.

(Hilkhot Teshuva 3:4)

The sound of the *shofar* functions like a prophet exhorting the people to “wake up,” reflect upon their lives, and repent. By definition, the *mitzva* is fulfilled through two individuals: a blower and a listener. And with regard to the blower, he is viewed as sounding the *shofar* for himself. He is seen as two people – a blower and listener – exhorting himself to repent. The *halakha* of *chatzi eved va-chatzi ben chorin* as it applies to *shofar* demonstrates that the definition of this *mitzva* is to engage in a “dialogue” between a blower and listener, even if they are both the same individual.

Thus, even though Maimonides defines the *mitzva* as an obligation to hear the *shofar*, it does not mean that one needs to hear simply the sound produced by an animal’s horn. Rather, it means that a person must hear the call to *teshuvah* (repentance) symbolized by the *shofar*. Therefore, the *shofar* sound must be produced by somebody included in the obligation, and the blower must have the listener in mind. We are required to not merely hear a sound, but to participate in the “*shofar* dialogue.” Understandably, our “interlocutor” must be somebody who is also commanded to take part in this “exchange.” If the *shofar* is sounded by a child, or by the “servant half” of a half-freed servant, it cannot serve as the formal exhortation it is intended to convey. Likewise, the blower must intend to blow on behalf of the listener, because a “dialogue,” by definition, requires that two people speak to each other, and not that they speak and happen to hear the other.

Indeed, as Maimonides rules, the *mitzva* of *shofar* is defined as an obligation to hear, and not as an obligation to blow. However, hearing the *shofar* means hearing the sound of *tokhecha* (reproof), hearing somebody calling to us and bidding us to “inspect your deeds and perform repentance, and remember your Creator.” Hence, the person blowing the *shofar* does not simply fill the pragmatic, mechanical need of producing a valid *shofar* sound which the rest of us hear and thereby fulfill our obligation. Rather, he calls out to us like Yeshayahu, Yirmiyahu, Yechezkel and the other prophets of Israel who confronted the people and demanded change. The *mitzva* of *shofar* requires filling the air with a degree of tension, as one person stands in the middle of the synagogue and shouts at the congregation, urging them to “wake up” and repent. Just as the prophets warned the Jewish people of the impending disasters that God had decreed, and implored the people to repent in order to avert catastrophe, similarly, the *tokei’a* stands in front of the congregation to warn them about the judgment that is taking place. Our obligation is to listen and internalize this warning, to contemplate the gravity of this day, and to respond by resolving to make the changes that are necessary for the maximum fulfillment of our responsibilities.

The *mitzva*, then, is not simply to hear the *shofar* sound, but to hear the message of the *shofar*, and to respond accordingly.