

HALOCHOSCOPE

This week's question:

On *Rosh Hashana*, someone is stranded where there is no Orthodox *shul*. May he hear *tekias shofar* from a anti-traditional Jew? What about the *tekios dimeumad*, during *musaf*, in a anti-traditional setting with a anti-traditional *shliach-tzibur*? If one may rely on these, should he recite his own *brochos*, or since he is relying on that *tokaia* for the blowing anyhow, may he rely on his *brochos* as well?

The issues:

- A) *Tekias shofar*, the *brochos*, and who recites them
- B) Who is qualified to blow for others
- C) The status of a non-observant or anti-traditional Jew

A) *Tekias Shofar*

On *Rosh Hashana* there is a Scriptural *mitzvah* to hear the sound of the *shofar*, a ram's horn. Scripturally, the *kolos*, sounds of the *shofar* are meant to be heard in sets. Each set consists of a *tekia*, long blast, a *teruah*, a series of short blasts, and a final *tekia*. Three such sets are required, totaling nine *kolos*. In practice, the Talmud debates the nature of *teruah*. In one view it consists of three wails, called *shevarim*, or broken sounds. In the other view it is a series of nine sobs. A third possibility is that it consists of both, first the wails and then the sobs. To satisfy all possibilities, one must hear three sets of each. The total would be thirty sounds.

Based on various *pesukim*, the Rabbis instituted *kolos* to be blown during the *musaf* '*shemone esrai*'. When formal *tefilos* were instituted, the services for *musaf* on *Rosh Hashana* were made longer than the regular *Yomtov* service. The standard middle *brocha* of *kidush hayom* is expanded to include *malchiyos*, declaring Hashem King, and *brochos* are added for *zichronos*, bringing our 'memories/mention' before Hashem, and *shofaros*, a series of allusions to the significance of the *shofar*. After each of these, the *shofar* is sounded. Our practice is to sound one set of each of the variations. By the end of this, a second thirty *kolos* are sounded. The first thirty, sounded before *shemone esrai*, are called *tekios dimeyushav*, or sounds when seated. Since people are not standing *davening shemone esrai*, theoretically, they could be seated for these. The second series is called *tekios dimeumad*, sounded when standing. In practice, unless one is incapacitated, one must stand for all of the *tekios* and the *brochos*, as for most other *mitzvos*.

The Talmud relates, a sage told his disciple to blow the *shofar* for him when he would signal that he had finished a *brocha*. Another sage pointed out that the *shofar* is only sounded at the conclusion of *brochos* in a *shemone esrai* recited with a *tzibur*, quorum of ten men. Does this mean that in a *tzibbur* one should indeed hear the *kolos* after concluding the *brochos* in the quiet *shemone esrai*? Or did the first sage want to hear it during his quiet *shemone esrai* only because he had no *tzibur* and *chazaras hashatz*, repe-

tition of the *chazan*? In a *tzibbur*, he would have heard them sounded during *chazaras hashatz*. Reasons are given why the *tekios dimeumad* should or should not be sounded during the silent *shemone esrai*. Accordingly, there are two *minhagim*. Some sound them during the silent *shemone esrai*. They repeat this during the repetition, with an additional ten at the end of the repetition. Thus, a total of one hundred are sounded altogether. Others do not sound any during the silent *shemone esrai*. Rather, the main fulfillment of the Rabbis' institution is during the repetition. They add thirty more at the end of *davening* to total one hundred. [This number corresponds to the number of sounds made by the mother of *Sisera*, waiting for her son to come home from battle. It is from the terminology used by the *Navi* for this, that we derive the meaning of *yevava*, another term for *teruah*.]

The Rabbis need not have instituted extra *kolos*. They could have required the existing thirty to be blown during *shemone esrai*. Some maintain that this was the intent. They positioned the main *kolos* in *shemone esrai*. The earlier *kolos* are additional. In one view, they originally did not require the earlier *kolos*, but that they were added later.

According to some, the *brocha* we recite nowadays was not part of the original institution. The *shemone esrai* is considered a *brocha* on the *mitzvah*. Others maintain that the *brocha* was always included in the institution. If necessary, it could have been ordained to be recited right before, or even during *shemone esrai*. This way it would precede the *tekios dimeumad*, even though it would not be immediate. In practice, now that we sound the *tekios dimeyushav*, the *brocha* precedes them. In light of all this, the *tekios dimeumad* should really be considered the main *kolos*, since they fulfill both Scriptural and Rabbinical requirements. However, since one has already heard the *tekios dimeyushav*, he has satisfied the Scriptural obligation. The *brocha* before the first *tekios* is valid for both sets.

Another gain from sounding the *shofar* twice is to confuse the *Satan*, prosecuting angel, catching him off guard. Another view is that the Talmud's reference of *tekios dimeyushav* actually refers to *tekios* blown during *chazaras hashatz*. At that time only the *shatz* is truly required to stand. The *tekios dimeumad* refer to thirty blown at the end of *davening*, to really confuse the *Satan*. [This is also a reason for the very long *tekia* at the end.] According to this view, the thirty sounded before *musaf* are a more recent institution, to reach the one hundred total. [See Rosh Hashana 16a-b 32a-b 33b-34a, Poskim. Tur Sh Ar OC 590-592 596, commentaries.]

B) Qualifications for a *tokaia*

[Ideally, the *tokaia* and the *shatz* should be righteous individuals, over thirty, married and acceptable to the congregation. Our discussion is in an unideal situation, who is totally disqualified and who is still qualified.] The *poskim* debate the *brocha* on *shofar*. In one view the terminology must include the blowing action. The majority maintain that the *mitzvah* is to hear the sound. Therefore, the *brocha* should focus on hearing the sound. Some later commentaries interpret this to mean that both are necessary. According to those *poskim*, the blowing action is fulfilled through the agency of the one blowing it for him. Thus, the agent must be qualified to act as his *shliach*. This means that he must be obligated in the *mitzvah* in the same manner that the listener is obligated. As time-bound *mitzvah*, women are not obligated to hear the *shofar*. They can not act as the *shliach* for men. Similarly, minors may not act as the *shliach* for adults. The later commentaries maintain that the *mitzvah* is composed of two parts, the blowing and the hearing. Hearing it from one who

is not obliged to blow works to discharge the hearing part. Similarly, blowing it in a way that one can not hear it, such as into a hole in the ground, should discharge the blowing obligation. Thus, if one did both of these, he should have discharged the entire *mitzvah*. However, the two parts must really be fulfilled at the same moment. Therefore, one cannot fulfill it at all by hearing it from one not obligated.

If one is unable to verify the status of the *tokaia* should he make an effort to hear it anyhow, even if it involves compromising on other fronts? For example, in our case, one might not be permitted to be present where the *shofar* is sounded, due to the lack of a *mechitza*, among other things. Perhaps this way he can fulfill his hearing part of the *mitzvah*, and he will not be able to blow himself. In addition, in this case, a question will arise about reciting the *brocha*, since it mentions only the hearing part. One who already fulfilled his own obligation may blow to discharge the obligation of another who has not yet heard *shofar*. The *poskim* debate whether he may recite the *brochos*, or whether the listener should recite them himself. Evidently, a listener could recite his own *brochos*. Should our listener recite his own *brocha* anyhow, and is this also true of one listening to a child or woman blowing for him? It would seem that one should not recite the *brocha* this way, since there is always a chance that one could find a way to fulfill the *mitzvah* fully later. Therefore, one should save the *brocha* for then. In addition, the *brocha* might only mention one part of the *mitzvah*, but it really is on the entire *mitzvah*. Since one does not fulfill it properly by doing it in parts, one really does not fulfill either part by itself.

Intent of the *tokaia* is important. One must have in mind to blow for the sake of the *mitzvah*, rather than for practice or for another reason, such as for the musical notes. Similarly, to fulfill the obligation by listening to another, the other must be blowing it for the *mitzvah*. The *tokaia* must have in mind to discharge the obligation of those who hear his *kolos*. He need not have in mind a specific listener, but may include all those who hear. Thus, if one happened to hear a *shofar* sounding, he may rely on the general intent of the *tokaia*. In light of our earlier discussion, if the *tekios dimeumad* are during *chazaras hashatz*, it would seem that the *shatz* repeating *shemone esrai* plays an integral role in the *tekios dimeumad*. Furthermore, these are the main *tekios*. The *shatz* should also be qualified to act as a *shliach* in his part of the order of events. However, since one fulfills his basic Scriptural obligation by hearing the *kolos*, this additional facet should not hinder him if he can manage to hear the *kolos* without participating in the *tefilos* of the unqualified *shatz*. [See Rosh Hashana 27b 29a-b 32b 33b 34a, Poskim (Yom Teruah). Rambam, Shofar 1:1, Lechem Mishneh, 2:1-5. Tur (BY BCh) Sh Ar OC 581:1 585 587 589 (Chochmas Shlomo. MshbZ 2.) 595, commentaries. Igros Moshe OC I:173.]

C) A non-observant Jew

Under normal circumstances, any Jew is *muchzak bekashrus*, considered an observant Jew, and is qualified to perform on behalf others or to testify as a kosher witness. However, our situation raises the issue of *abaryan* or *mumar*, a known habitual violator. One who violates *mitzvos* can lose his *chezkas kashrus* for other purposes. Violations can be *shogaig*, unintentional, *maizid*, intentional but not necessarily habitual, or a *mumar*, literally, exchanged – having exchanged his religion. *Mumar lechol hatorah*, violator of the entire Torah, *leavoda zara*, idolater, *lechalel shabbos befarhesia*, public desecration of *Shabbos*, or one who professes not to believe in the words of the sages, is equated with

a gentile regarding certain *halachos*. Many of our uneducated brethren nowadays are considered *tinokos shenishbu*, captive from childhood, rather than *mumar*. Their violations are considered *shogaig*. There is also a view that public desecration of *Shabbos* was once considered the worst violation. It meant that the perpetrator was inevitably involved in violating everything else. Nowadays, unfortunately, it is the first thing people violate. Nonetheless, a religious functionary in an anti-traditional service is probably an educated *mumar*. He is also likely to have desecrated *Shabbos* in order to go to the service. Due to his beliefs, one could not rely on his *brochos*, or even answer *amein*.

Our question is, should one make the effort to listen to this *tokaia's shofar* blasts, and should he recite a *brocha* of his own when doing so? Assuming the *shofar* is kosher, the *tokaia* knows the laws, and that the *tokaia* is Jewish, he is obligated and would be fulfilling his obligation. If the main *mitzvah* is hearing, one could fulfill his *shofar* obligation by hearing another Jew blowing the sounds. The *mumar* is actually in a unique situation. Due to his beliefs, there are *mitzvos* that he cannot fulfill himself, but must have someone else perform for him. However, the applications of this are complex and cannot be compared easily. It would appear that *tekias shofar* is not one of these. Therefore, while the *brochos* of the *mumar* do not help our questioner, maybe the blowing helps.

If one who does not know how to *daven* has a choice between going to where there is an acceptable *tokaia* but an unacceptable *shatz*, or vice versa, he should go to the acceptable *tokaia*. This is because *shofar* is a Scriptural obligation, while *tefillah* is Rabbinical. The implication is that if there were no choice he should go to hear the unacceptable *tokaia*. Perhaps this applies to a case similar to ours, if one knows that the *shofar* is indeed kosher, the *tokaia* is indeed Jewish, and that he will blow correctly. The only issue is his acceptability. In any event, the listener should not recite the *brochos*, in light of our discussion. Nor should he answer *amen* to the *brochos* of the *tokaia*. In addition, he should not enter the building, if possible, but should stand outside and listen. Entering the building during the services raises the issue of *chashad* or *maris ayin*, impropriety of appearances. Onlookers will think that he participates in such services. [See *Shabbos* 68b Eruvin 69a-b Sanhedrin 27a Chulin 5a, Poskim. Tur Sh Ar OC 189, MA 1. 385. YD 2 119 124 159 251, EH 123:2 141:33, commentaries. Divrei Binyomin #5. Tzitz Eliezer VIII:17-20. Igros Moshe OC I:33 II:40.]

On the Parsha ... *Lest there be among you a man or woman or family or tribe whose heart is turned away ... and Hashem will separate him [them] for the bad from all the tribes of Israel [29:17-20.]* Why does the Torah list man, woman, family and tribe as those who want to exclude themselves from the covenant? Why are they then expelled from all the 'tribes' of Israel? This was not just a covenant between Hashem and the individual. It was also between the individual, the family and the tribe, with all the rest of Israel. When a *mumar* is expelled, he may not participate in discharging group obligations, but he still has personal obligations.

♠ In honor and in memory of my mother, Yitele bas R. Shlmon a"l, Henriette Silver. ♠

In memory of Rochel Devorah bas R. Moshe, whose yahrzeit was on the 24th of Elul.

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