

**He drilled the bone** – קָדְחוּ בְּכִרְוֹתוֹ: A *shofar* where the bone was not removed from the horn, but one simply drilled it through lengthwise is fit, even at the outset. Nevertheless, the mitzva is certainly enhanced when the bone is removed first, and this is the widespread custom (*Arukh HaShulhan*). However if one punctured the bone itself and made a *shofar* out of it, it is disqualified (*Shulhan Arukh, Orah Hayyim 586:15*).

BACKGROUND

**Drilled the bone** – קָדְחוּ בְּכִרְוֹתוֹ: Horns of sheep and other bovids are characterized by a bone that protrudes from the skull covered by a hollow horn. When one cuts the horn off the skull, a piece of the bone remains inside it, and it needs to be drilled through or completely removed in order for the horn to be usable as a *shofar*.



Horn with its bone protruding

שָׁלְחוּ לִיָּה לְאֵבוֹה דְּשִׁמוּאֵל: קָדְחוּ וְתִקַּע בּוֹ – יֵצֵא, פְּשִׁיטָא, כּוֹלְהוּ נִמְי מִקָּדְחַת קָדְחוּ לְהוּ!

It is related that the following ruling was sent from Eretz Yisrael to Shmuel's father: If one drilled out the inside of a horn and blew it, he has fulfilled his obligation. The Gemara asks: It is obvious, for all *shofarot* are drilled, since after the horn is removed from the animal, the bone that fills the horn and connects it to the animal's head must be removed. What, then, does this ruling teach us?

אָמַר רַב אֲשִׁי: שְׁקָדְחוּ בְּכִרְוֹתוֹ. מַהוּ דְּתִימָא: מִיָּן בְּמִינוּ חוּצָא. קָא מְשַׁמַּע לָן.

Rav Ashi said: Here we are discussing a case where he drilled the bone<sup>HB</sup> that fills the horn instead of removing it in the usual manner. Lest you say that even something made of the same substance interposes, and the sound that is produced is emitted from the bone and not from the *shofar*, the ruling therefore teaches us that since the bone and the horn are considered to be of the same substance, the *shofar* is fit and he has fulfilled his obligation.

”הַתּוֹקַע לְתוֹךְ הַבּוֹר אוֹ לְתוֹךְ הַדּוֹת” כּוֹ. אָמַר רַב הוּנָא: לֹא שָׁנוּ אֶלָּא לְאוֹתָן הָעוֹמְדִים עַל שֵׁפֶת הַבּוֹר. אֲבָל אוֹתָן הָעוֹמְדִין בְּבוֹר – יֵצֵאוּ.

It was taught in the mishna: If one sounds a *shofar* into a pit or into a cistern, he has not fulfilled his obligation. Rav Huna said: They taught this only with respect to those standing at the edge of the pit, i.e., on the outside, as they can hear only the echo coming from the pit. But those standing in the pit itself have fulfilled their obligation, since they initially hear the sound of the *shofar*.

תִּנְיָא נִמְי הָכִי: הַתּוֹקַע לְתוֹךְ הַבּוֹר אוֹ לְתוֹךְ הַדּוֹת – יֵצֵא. וְהַתֵּנָן: לֹא יֵצֵא! אֶלָּא לֹא שָׁמַע מִיָּנָה בְּדַרְבַּר הוּנָא? שָׁמַע מִיָּנָה.

This is also taught in a *baraita*: If one sounds a *shofar* into a pit or into a cistern, he has fulfilled his obligation. But didn't we learn in the mishna that in that case he has not fulfilled his obligation? Rather, isn't it correct to conclude from here that the contradiction must be reconciled in accordance with Rav Huna? The Gemara concludes: Indeed, learn from here that this is so.

אִיכָּא דְרַמִּי לְהוּ מִירְמָא, תֵּנָן: הַתּוֹקַע לְתוֹךְ הַבּוֹר אוֹ לְתוֹךְ הַדּוֹת לֹא יֵצֵא. וְהַתֵּנָא: יֵצֵא! אָמַר רַב הוּנָא: לֹא קִשְׁיָא: כָּאֵן – לְאוֹתָן הָעוֹמְדִין עַל שֵׁפֶת הַבּוֹר; כָּאֵן – לְאוֹתָן הָעוֹמְדִין בְּבוֹר.

Some had a different version of the previous passage. There are those who raise the following source as a contradiction: We learned in the mishna that if one sounds a *shofar* into a pit or into a cistern, he has not fulfilled his obligation. But isn't it taught in a *baraita* that in that case he has fulfilled his obligation? Rav Huna said: This is not difficult; here, in the mishna, we are dealing with those standing at the edge of the pit, whereas there, in the *baraita* we are dealing with those standing in the pit.

אָמַר רַבָּה: Rabba said:

Perek III

Daf 28 Amud a

שָׁמַע מְקֻצֵּת תְּקִיעָה בְּבוֹר וּמְקֻצֵּת תְּקִיעָה עַל שֵׁפֶת הַבּוֹר – יֵצֵא. מְקֻצֵּת תְּקִיעָה קוֹדֵם שְׁיַעֲלָה עֲמוּד הַשַּׁחַר וּמְקֻצֵּת תְּקִיעָה לְאַחַר שְׁיַעֲלָה עֲמוּד הַשַּׁחַר – לֹא יֵצֵא.

If one heard part of the blast in the pit and part of the blast at the edge of the pit, he has fulfilled his obligation.<sup>H</sup> But if he heard part of the blast before dawn, when it is not yet time to sound the *shofar*, and part of the blast after dawn,<sup>H</sup> he has not fulfilled his obligation.

HALAKHA

**Part of the blast in the pit and part of the blast outside it** – מְקֻצֵּת תְּקִיעָה בְּבוֹר וּמְקֻצֵּת בְּחוּץ הַבּוֹר: One who began sounding the *shofar* in a pit and continued sounding it outside the pit has fulfilled his obligation, but if he lifted his head out of the pit before the *shofar* left the pit, he has not fulfilled it, as explained in the Gemara (*Magen Avraham*). The same *halakha* applies to those who were inside the pit at the beginning of the blast and exited it along with the sounder (*Beit Yosef*). Some say that even those who stood in the pit and did not leave the pit fulfilled their obligation, since they heard a clear *shofar* sound (*Magen Avraham*, citing *Bah*). With regard to one who brings a *shofar* to a pit and stands outside it while blowing, those in the pit have fulfilled

his obligation, but he has not, unless it is clear to him that he heard the sound of the *shofar* itself (*Peri Megadim; Shulhan Arukh, Orah Hayyim 587:2*).

**Part of the blast before dawn and part of the blast after dawn** – מְקֻצֵּת תְּקִיעָה קוֹדֵם שְׁיַעֲלָה עֲמוּד הַשַּׁחַר וּמְקֻצֵּת תְּקִיעָה לְאַחַר שְׁיַעֲלָה: The mitzva of blowing the *shofar* should ideally be performed after sunrise, but after the fact, it can be performed earlier, after dawn. If one heard part of the blast before dawn and part of it after dawn, he has not fulfilled his obligation. This is in accordance with the ruling of Rabba (*Shulhan Arukh, Orah Hayyim 588:1*).

The entire blast needs to be heard in a time of obligation – כּוֹלֵה תְּקִיעָה בְּחַיִּבָּא – The Ramban on *daf 27a* asks: Why didn't the Gemara say that one can fulfill his obligation by hearing part of the *shofar* blast within the time of obligation? It appears that the Gemara requires one to hear a complete *tekia-terua-tekia* set of blasts, and therefore one does not fulfill his obligation with part of a single blast. The Ramban adds that one does not fulfill his obligation even by hearing a full *tekia* if the blast was very short.

If one sounds a *shofar* into a pit or into a cistern, etc. – הַתּוֹקֵעַ לְתוֹךְ הַבּוֹר אוֹ לְתוֹךְ הַדּוֹת וְכוּ' – The Ramban differentiates between a pit and a large jug, since in his opinion, a large jug always causes the sound to become confused due to its echo, while with regard to a pit it is sometimes possible to distinguish between the sound of the *shofar* and the sound of the echo (see *Meiri*).

אָמַר לִיָּה אֲבִי: מַאי שָׁנָא הָתָם? דְּבִעֵינָא כּוֹלֵה תְּקִיעָה בְּחַיִּבָּא וְלִיכָא. הָכָא נִמְי דְּבִעֵינָא כּוֹלֵה תְּקִיעָה בְּחַיִּבָּא וְלִיכָא!

הָכִי הַשְׁתָּא?! הָתָם – לִלְהָ לְאוֹ זְמַן חַיִּבָּא הוּא כְּלָל. הָכָא – בּוֹר מְקוּם חַיִּבָּא הוּא לְאוֹתוֹן הָעוֹמְדִין בְּבוֹר.

לְמִימְרָא דְרַבָּה: שְׁמַע סוּף תְּקִיעָה בְּלֹא תַחֲלִיל תְּקִיעָה – יִצְא. וּמִמִּילָא, תַּחֲלִיל תְּקִיעָה בְּלֹא סוּף תְּקִיעָה – יִצְא.

תָּא שְׁמַע: תְּקַע בְּרֵאשׁוֹנָה וּמִשָּׁךְ בְּשֵׁנִיהַ בְּשֵׁתִים – אֵין בִּידוֹ אֵלָא אַחַת. וְאִמְרֵי? תְּסַלֵּק לָהּ בְּתַרְתֵּי! פְּסוּקֵי תְּקִיעָתָא מִהֲדָדִי לֹא פְּסוּקִינַ.

תָּא שְׁמַע: הַתּוֹקֵעַ לְתוֹךְ הַבּוֹר אוֹ לְתוֹךְ הַדּוֹת אוֹ לְתוֹךְ הַפִּיטָס, אִם קוֹל שׁוֹפָר שְׁמַע – יִצְא; וְאִם קוֹל הֶבְרָה שְׁמַע – לֹא יִצְא. וְאִמְרֵי? לִפּוֹק בְּתַחֲלִיל תְּקִיעָה מִקְמִי דְלִיעֲרַבֵּב קְלָא!

כִּי קָאָמַר רַבָּה – בְּתוֹקֵעַ וְעוֹלָה לְנַפְשִׁיהָ.

אֵי הָכִי, מַאי לְמִימְרָא? מַהוּ דְתִימָא: זְמַן דְּמִפְּיָךְ רִישִׁיהָ וְאַפְתֵי שׁוֹפָר בְּבוֹר, וְקָא מִיעֲרַבֵּב קְלָא. קָא מִשְׁמַע לָן.

Abaye said to him: What is different there, in the case of one who heard part of the blast before dawn and part of it after dawn? If you say that there **the entire blast needs to be heard in a time of obligation**,<sup>n</sup> and when he hears part of the blast before dawn and part after dawn **it is not** all within the same time of obligation, **here too**, in the case of the pit, **the entire blast needs to be in a place where one can fulfill his obligation**, and when he hears part of the blast in a pit and part at the edge, **it is not** all within a place where he can fulfill his obligation.

The Gemara rejects this argument: **How can these cases be compared? There, night is not a time of obligation at all**, and sounding the *shofar* then has no meaning whatsoever, **but here, a pit is a place of obligation for those standing in the pit**. That is to say, the part of the blast that was heard in the pit is not inherently invalid, but merely disqualified due to an external factor, so that it is possible to connect it with the part of the blast that was heard at the edge of the pit.

The Gemara asks: **Is this to say that Rabba maintains that if one heard the end of a blast without hearing the beginning of the blast, he has fulfilled his obligation?** Because in the case where one heard the beginning of the blast in a pit, he is considered to have heard only the end of the *shofar* blast, which he heard at the edge of the pit. **And it therefore follows that if one heard the beginning of a blast without hearing the end of the blast, he has also fulfilled his obligation.**

Come and hear a proof that this is not so, for we learned in the mishna: **If one blew the initial *tekia* of the first set of *tekia-terua-tekia*, and then drew out the second *tekia* so that it spans the length of two *tekiot*,**<sup>h</sup> **it counts as only one *tekia***, and is not considered two *tekiot*, i.e., the concluding *tekia* of the first set, and the initial *tekia* of the second set. **But why is this so?** If we consider part of a blast as a complete one, **let it count as two *tekiot***. The Gemara explains: If one hears only the beginning or the end of a *shofar* blast, he has indeed fulfilled his obligation, but nevertheless, **we do not divide a *shofar* blast into two**.

The Gemara raises another difficulty: **Come and hear that which was taught in a mishna: If one sounds a *shofar* into a pit, or into a cistern,<sup>n</sup> or into a large jug, if he clearly heard the sound of the *shofar*, he has fulfilled his obligation; but if he heard the sound of an echo, he has not fulfilled his obligation. But why is this so? If indeed half a blast is considered a blast, let him fulfill his obligation with the beginning of the blast, before the sound of the *shofar* is confused with the echo, since he heard the beginning of the blast clearly.**

The Gemara answers: Indeed, half a blast is not considered a blast, and Rabba's statement must be understood differently. **When Rabba spoke**, he was speaking not about other people hearing the blast, but **about one who was sounding the *shofar* for himself in a pit and emerged from the pit as he was blowing**. He has fulfilled his obligation, because he was located in the same place as the sound of the *shofar* at all times, and so he heard the entire blast clearly.

The Gemara asks: **If so, what is the purpose of Rabba's statement?** The *halakha* in this case should be obvious, as there is no reason that the blast should be disqualified. The Gemara answers: **Lest you say that his head might sometimes emerge from the pit while the *shofar* itself is still in the pit, and the sound may become confused with its echo**, and so he would not fulfill his obligation. Therefore, **Rabba teaches us that we are not concerned about this, and the obligation is considered to have been fulfilled.**

#### HALAKHA

If one blew the initial *tekia* and then drew out the second *tekia* so that it spans the length of two *tekiot* – תְּקַע בְּרֵאשׁוֹנָה וּמִשָּׁךְ בְּשֵׁנִיהַ בְּשֵׁתִים: If one lengthened the end of the *tekia* in a cycle of blasts so that it spanned the length of two *tekiot* in order that it also be considered the first *tekia* of the second cycle, it counts as only one *tekia*. Some say that it is not even considered one (*Tur*, citing the Jerusalem Talmud). The *halakha* follows the first opinion.

However, one should be concerned about the first opinion as well (*Shulhan Arukh HaRav*, citing *Beit Yosef*). Some authorities say that if he sounded one long blast like this within a cycle of blasts, it is considered one blast according to all opinions (*Arukh HaShulhan*, citing *Levush*). Others hold that it does not count at all, according to the second opinion (*Shulhan Arukh*, *Orah Hayyim 590:6*; *Magen Avraham*).

A *shofar* of a burnt-offering or peace-offering – שופר של עולה ושלמים: If one made a *shofar* from the horns of an animal set aside as a burnt-offering, he should not blow with it at the outset, but if he did, he has fulfilled his obligation. This is in accordance with the opinion of Rava (Rambam *Sefer Zemanim, Hilkhot Shofar* 1:3). The *Lehem Mishne* holds that the same *halakha* applies to peace-offerings as well.

BACKGROUND

Misuse of consecrated objects – מעילה: Anyone who benefits from consecrated property or damages it through its use is liable for misuse. Intentional misuse is punishable by death at the hand of Heaven, according to some authorities, and by lashes, according to others. One who commits misuse unintentionally, or even under duress, must repay the Temple for the loss he caused or for the benefit he gained, in addition to a fine of one-fifth of the value of the loss or of the benefit he accrued. He must also bring a special sacrifice, a guilt-offering for misuse of consecrated articles (see Leviticus 5:15–16). The *halakhot* of misuse apply to all types of consecrated property, whether sacrifices, money, or objects donated to the Temple.

אמר רב יהודה: בשופר של עולה – לא יתקע; ואם תקע – יצא. בשופר של שלמים – לא יתקע; ואם תקע – לא יצא.

Rav Yehuda said: One should not blow with the *shofar* of an animal consecrated as a burnt-offering,<sup>N</sup> but if he nevertheless transgressed and blew, he has fulfilled his obligation.<sup>N</sup> One should also not blow with the *shofar* of an animal consecrated as a peace-offering, and if he nevertheless transgressed and blew, he has not fulfilled his obligation.<sup>H</sup>

מאי טעמא? עולה בת מעילה היא, כיון דמעיל בה – נפקא לה לחולין; שלמים דלאו בני מעילה מנהו – איסורא הוא דרכיב בהו ולא נפקי לחולין.

The Gemara explains: What is the reason for this distinction? A burnt-offering is subject to misuse of consecrated objects<sup>B</sup> before being offered, and once one misuses it for mundane purposes, it becomes non-sacred, so that the one who blows with its *shofar* fulfills his obligation. In contrast, peace-offerings are not subject to misuse of consecrated objects before being offered, since in the case of sacrifices of lesser sanctity, misuse is restricted to the fats and other portions that are offered on the altar, and even this applies only after the sprinkling of the blood. Since one is not considered to be misusing peace-offerings when utilizing them for mundane purposes, the prohibition remains intact and they do not become non-sacred. Therefore, one who blows the *shofar* of an animal consecrated as a peace-offering does not fulfill his obligation.

מתקיף לה רבא: אימת מעיל? לכתר דתקע. כי קא תקע – באיסורא תקע!

Rava strongly objects to this argument: When does he commit misuse? After he has sounded it, for only then has he misused the consecrated animal. If so, when he sounds it, he is sounding with something that is still prohibited, even in the case of the animal that was consecrated as a burnt-offering, and so he should not be able to fulfill his obligation with it.

אלא אמר רבא: אחד זה ואחד זה – לא יצא. הדר אמר: אחד זה ואחד זה – יצא, מצות לאו ליהנות ניתנו.

Rather, Rava said: Both this one, the *shofar* of a burnt-offering, and the other one, the *shofar* of a peace-offering, are governed by the same *halakha*: If he sounded them, he has not fulfilled his obligation.<sup>N</sup> Later, Rava retracted his statement and then said the opposite: Both this one, the *shofar* of a burnt-offering, and the other one, the *shofar* of a peace-offering, are governed by the same *halakha*: If he sounded them, he has fulfilled his obligation. The reason for this is that mitzvot were not given for benefit. That is to say, the fulfillment of a mitzva is not in itself considered a benefit, and in the absence of benefit, one is not liable for misuse.

NOTES

With the *shofar* of a burnt-offering – בשופר של עולה: All authorities must agree that the Gemara is referring to a case where no misuse occurred when the *shofar* was removed from the animal. Otherwise, the *shofar* would have already become non-sacred at the time of the misuse, and sounding the *shofar* subsequently would therefore not be considered misuse (*Turei Even*).

Rashi explains that the case under discussion is where one removed the horn while the animal was still alive, since after slaughter the horns become the property of the priests, and the laws of misuse no longer apply to it. The *Meiri* explains further, following Rashi's opinion, that it may be a case where the horn was removed after slaughtering the animal and before sprinkling the blood. Rabbeinu Manoah explains the Rambam in the same way that the *Meiri* explains Rashi, i.e., that the horns are taken after slaughtering, before sprinkling the blood.

The *Meiri* offers a completely different perspective, which is also the opinion of *Tosafot* in tractate *Zevachim*. The case in question does not concern the horns of a burnt-offering, but money that was consecrated for a burnt-offering or peace-offering that one used to purchase a *shofar*.

One should not blow...but if he blew he has fulfilled his obligation – לא יתקע ואם תקע יצא: With regard to both a *shofar* of a burnt-offering and a *shofar* of idol worship, it appears that a discrepancy exists between the *halakha ab initio* and

the *halakha* after the fact. However, *Tosafot* and others explain that in the case of a burnt-offering, there is no actual difference between the *halakha ab initio* and after the fact. The Gemara is saying that if one sounded the *shofar* of a burnt-offering because he was unaware that it was prohibited, he has fulfilled his obligation. This is because the *halakhot* of misuse apply in a case of error, and although he has transgressed, the *shofar* reacquires an unconsecrated status through his action. However, if he was aware of the prohibition, he should not sound the *shofar*, because if he does so he is committing a willful transgression, and the *halakhot* of misuse do apply when the prohibited act is performed intentionally.

Both this one and the other one, he has not fulfilled his obligation – אחד זה ואחד זה לא יצא: According to this opinion, it appears that Rava thinks that sounding the *shofar* is not really considered misuse. The early authorities discussed this question at length. Some said that although the *halakhot* of misuse do not generally apply to sound, sight, and smell, the blowing of the *shofar* is an exception because it is a mitzva, so that the *halakhot* of misuse do apply to it (see *Tosafot* and *Meiri*). Nevertheless, according to the opinion that mitzvot were given for benefit, and assuming that there is benefit involved in the mitzva of *shofar*, benefit from a *shofar* of an offering is prohibited.

NOTES

One should not sound a shofar that was used for idol worship – בְּשׂוֹפָר שֶׁל עֲבוּדָה זָרָה לֹא יִתְקַע – The authorities debate whether this prohibition applies to an object of idol worship that has already been nullified or one that has not yet been nullified. If one nullifies an object of idolatry, specifically that of a non-Jew, since that of a Jew cannot be nullified, it becomes permissible to use it. Early authorities write that this distinction is irrelevant to the conclusion, because *ab initio* it would be inappropriate to use even objects of idol worship that were nullified, as it is inappropriate to use an abominable object to fulfill a mitzva. On the other hand, using a shofar, even if it had previously been used for idolatry and has not yet been nullified, is not considered to be benefiting from idolatry, since mitzvot were not given for benefit (see Ritva).

A shofar that was used for idol worship – שׂוֹפָר שֶׁל עֲבוּדָה זָרָה: The reason one might think that one does not fulfill the mitzva with a shofar that was used for idol worship is that it appears to be a mitzva that comes about through a transgression, as it is forbidden to benefit from objects used for idol worship. It is only because fulfilling a mitzva is not considered gaining benefit that one fulfills the mitzva after the fact. A similar issue arises with regard to the use of a stolen shofar. According to the Rambam, the sounding itself is not an act of theft, as it is possible to do so without physically taking possession of the shofar and the sound itself is not a substantial object that can be stolen (see also Jerusalem Talmud, Sukka 3:1). Therefore, sounding a stolen shofar is not a mitzva that comes about through a transgression, and one fulfills the mitzva after the fact. Some authorities reject the Rambam's argument and argue that sounding the shofar is a substantial act; as such it is a mitzva that comes about through a transgression, and one may not fulfill the mitzva with a stolen shofar, even after the fact (Ritva).

Prohibited by vow from deriving benefit – מוֹדָר הַנְּאִיָּה: This halakha belongs to the category of the laws of oaths, which are detailed in the Torah (Numbers, chapter 30) and discussed at length in the Mishna and Gemara (tractate Nedarim). One declares that a certain object or person is prohibited to him for a certain matter, as if it were consecrated property. One who takes an oath not to benefit from a certain object or person is referred to as: Prohibited by vow, and if he benefits, he transgresses the Torah prohibition "He shall not break his word" (Numbers 30:3).

BACKGROUND

A city whose residents were incited to idolatry – עִיר הַנְּדָחָת: This term refers to an entire city, a majority of whose inhabitants are guilty of idolatry (Deuteronomy 13:13–19). Such a city is judged by the Great Sanhedrin, the court of seventy-one. The Sanhedrin has the authority to send an army to subdue the city. Afterward, courts are convened and each of the city's adult inhabitants is judged. Those found guilty of idol worship are beheaded, rather than stoned, which is the usual penalty for idolatry. The innocent are not slain. All the property in the city, including that of the righteous, is destroyed, and all its buildings are razed to the ground. It must remain in ruins forever.

אָמַר רַב יְהוּדָה: בְּשׂוֹפָר שֶׁל עֲבוּדָה זָרָה – לֹא יִתְקַע; וְאִם תִּקַּע – יֵצֵא. בְּשׂוֹפָר שֶׁל עִיר הַנְּדָחָת – לֹא יִתְקַע; וְאִם תִּקַּע – לֹא יֵצֵא. מֵאֵי טַעְמָא? עִיר הַנְּדָחָת – כְּתוּבָתִי מִיִּבְתֵּת שְׂעוּרִיָּה.

אָמַר רַבָּא: הַמוֹדָר הַנְּאִיָּה מִחֲבִירוֹ מוֹדָר לְתַקּוּעַ לוֹ תְּקִיעָה שֶׁל מִצְוָה. הַמוֹדָר הַנְּאִיָּה מִשׂוֹפָר מוֹדָר לְתַקּוּעַ בּוֹ תְּקִיעָה שֶׁל מִצְוָה.

וְאָמַר רַבָּא: הַמוֹדָר הַנְּאִיָּה מִחֲבִירוֹ – מִזְּדָה עָלָיו מִי חֲטָאת בַּיָּמֹת הַגְּשָׁמִים, אֲבָל לֹא בַּיָּמֹת הַחֶמְדָּה. הַמוֹדָר הַנְּאִיָּה מִמַּעַן – טוֹבֵל בּוֹ טְבִילָה שֶׁל מִצְוָה בַּיָּמֹת הַגְּשָׁמִים, אֲבָל לֹא בַּיָּמֹת הַחֶמְדָּה.

Rav Yehuda said further: One should not sound a shofar that was used for idol worship,<sup>NI</sup> but if he nevertheless transgressed and sounded it, he has fulfilled his obligation.<sup>N</sup> One should also not sound a shofar from a city whose residents were incited to idolatry,<sup>HB</sup> where the majority of inhabitants committed idolatry, but if he nevertheless transgressed and sounded it, he has not fulfilled his obligation. What is the reason for this last ruling? With regard to any object found in a city whose residents were incited to idolatry, its size as required for the mitzva is seen by halakha as crushed into powder. Since a shofar from a city whose residents were incited to idolatry is destined for burning, it is considered as if it is already burnt, and it therefore lacks the requisite measurement for fulfilling the mitzva.

Rava said: If one is prohibited by vow from deriving benefit<sup>N</sup> from another,<sup>H</sup> i.e., if he took a vow not to receive any benefit whatsoever from a certain person, that other person is nevertheless permitted to sound a blast for him so that he fulfills the mitzva, in accordance with the principle that the fulfillment of a mitzva is not in itself considered a benefit. For the same reason, if one is prohibited by vow from deriving benefit from a particular shofar,<sup>H</sup> he is nevertheless permitted to sound a blast with it so that he may fulfill the mitzva.

And Rava said further: If one is prohibited by vow from deriving benefit from another, that other person may nevertheless sprinkle the waters of purification on him, i.e., water mixed with the ashes of the red heifer, which was used to purify people and objects that had contracted ritual impurity through contact with a corpse, in the rainy season, for at that time the sprinkling is performed only in order to fulfill a mitzva. But he may not do so in the summer season, since then he also benefits from the very fact that water is being sprinkled on him. Similarly, if one is prohibited by vow from deriving benefit from a particular spring,<sup>H</sup> he may nevertheless immerse in it an immersion performed in order to fulfill a mitzva in the rainy season, but not in the summer season, since then he also derives benefit from the very fact that he has immersed in cold water.

HALAKHA

A shofar that was used for idol worship – שׂוֹפָר שֶׁל עֲבוּדָה זָרָה: One may not sound a shofar that was used for idol worship or was an object of idolatry belonging to a non-Jew, but if he did, he has fulfilled his obligation. Some authorities require that the objects of idolatry be nullified in advance of the Festival (Rema). If the shofar was an object of idolatry of a Jew, he has not fulfilled his obligation. Similarly, one does not fulfill his obligation with a shofar if it was used as an offering to idol worship (Shulhan Arukh, Oraḥ Hayyim 586:3–4).

A shofar from a city whose residents were incited to idolatry – שׂוֹפָר שֶׁל עִיר הַנְּדָחָת: If one blew a shofar from a city whose residents were incited to idolatry, he did not fulfill his obligation. This is in accordance with the opinion of Rav Yehuda (Rambam Sefer Zemanim, Hilkhot Shofar 1:3).

If one is prohibited by vow from deriving benefit from another – הַמוֹדָר הַנְּאִיָּה מִחֲבִירוֹ: If someone is prohibited by vow from benefiting from his fellow, it is permissible for his fellow to sound the shofar for him so that he fulfills the mitzva. This applies when he sounds it for him on his own initiative. However, if he asked his fellow to sound it for him, it is prohibited (Ran). Even if he only hinted that he should sound it, and the

hint was obvious, it is prohibited (Peri Hadash). Even in cases where the Rabbis rendered it prohibited, he has nevertheless fulfilled his obligation retroactively. However, it is fitting to hear the blasts again from someone else, so that the mitzva not be one that comes about through a transgression of: He shall not break his word (Shulhan Arukh, Oraḥ Hayyim 589:7; Peri Megadim; Peri Hadash).

If one is prohibited by vow from deriving benefit from a shofar – הַמוֹדָר הַנְּאִיָּה מִשׂוֹפָר: If one is prohibited by a vow from benefiting from a shofar, another person can sound it to assist him in fulfilling his obligation. However, he himself should not sound it because some people derive enjoyment from sounding the shofar (Rif; Maor). In exigent circumstances, he can sound it for himself based on the lenient opinions (Bah; Magen Avraham), but he should sound only the blasts required by the Torah (Mateh Aharon; Shulhan Arukh, Oraḥ Hayyim 586:5).

If one is prohibited by vow from deriving benefit from a spring – הַמוֹדָר הַנְּאִיָּה מִמַּעַן: One who is prohibited by vow from benefiting from a spring may immerse in it to fulfill a mitzva in the winter, but not in the summer. This is in accordance with the opinion of Rava (Shulhan Arukh, Yoreh De'a 217:26, 221:13).

**One compelled to eat matza – האוכל מצה בכפייה:** If one was compelled by non-Jews or bandits to eat *matza*, and he is aware that it is the night of Passover and that he is eating *matza*, he has fulfilled his obligation (Ran). However, if he is not aware of this, he has not fulfilled his obligation. In any case, it is appropriate that he eat *matza* again later without a blessing (*Biur Halakha*). With regard to *maror*, which is a rabbinical obligation in the absence of a Paschal offering, some say that even if he was not aware that an obligation existed, he has fulfilled his obligation. Others are stringent (*Peri Hadash; Magen Avraham*), and this is the preferred custom (*Shulhan Arukh HaRav; Shulhan Arukh, Orach Hayyim 475:4*).

**At times sane and at times insane – עתים חלים ועתים שוטה:** If one ate *matza* while in a state of insanity, if he regained his sanity that night he should eat *matza* again, since at the time that he ate he was exempt from all the mitzvot (*Shulhan Arukh, Orach Hayyim 475:5*).

BACKGROUND

**A demon forced him – כפאו שד:** This phrase describes a circumstance where an individual is forced to do something unwillingly as a result of a temporary state of insanity. Later in the discussion, this state is compared to all other cases of temporary insanity, where, at the moment of insanity, the person is not considered to be aware or responsible for his actions. In such a state, he is not obligated to observe any mitzvot, and any that he does observe do not count.

NOTES

**Where the Persians compelled him – שכפאוהו פרסיים:** Even though it would have been possible to say that a Jewish court forced him to do so, someone forced to do an action by a Jewish court is considered to have accepted it in his heart, so that it is not considered to be a case of compulsion (*Ritva*).

HALAKHA

**Intent with regard to mitzvot – כוונה במצוות:** The most prominent early authorities dispute this matter. Some say that the *halakha* is in accordance with the opinion of Rava, and mitzvot do not require intent (*Tosafot; Rabbeinu Yona*). Some say that the *halakha* does not follow Rava but rather Rabbi Zeira, and intent is required in order to fulfill one's obligation (*Ba'al Halakhot Gedolot; Rosh*). It was subsequently determined that the *halakha* follows the second opinion, that mitzvot do require intent. The opinion of most halakhic decisors is that this ruling applies only to mitzvot by Torah law, while mitzvot by rabbinic decree do not require intent (*Radbaz*). However, some say that there is no distinction, and that all mitzvot require intent (*Vilna Gaon*). In any case, if one did not have the intent to fulfill a mitzva, and he performs it again with intent, he should take the first opinion into account and refrain from reciting a blessing (*Magen Avraham; Shulhan Arukh, Orach Hayyim 60:4*).

שָׁלַחוּ לִיָּה לְאַבוּהָ דְשִׁמוּאֵל: כִּפְאוּ וְאָכַל מַצָּה – יֵצֵא. כִּפְאוּ מֵאֵן? אֵילִימָא כִּפְאוּ שִׁד – וְהִתְנַאי: עֵתִים חָלִים עֵתִים שׁוֹטָה, כִּשְׁהוּא חָלִים – הָרִי הוּא כִּפְקַח לְכָל דְּבָרָיו; כִּשְׁהוּא שׁוֹטָה – הָרִי הוּא כִּשׁוֹטָה לְכָל דְּבָרָיו!

It is related that the following ruling was sent from Eretz Yisrael to Shmuel's father: If one was forcibly compelled to eat *matza* on Passover, he has fulfilled his obligation.<sup>h</sup> The Gemara clarifies the matter: Who compelled him to eat the *matza*? If we say that a demon forced him,<sup>b</sup> i.e., that he ate it in a moment of insanity, this is difficult. Isn't it taught in a *baraita*: With regard to someone who is at times sane and at times insane, at the times when he is sane, he is considered halakhically competent for all purposes and is obligated in all the mitzvot. And when he is insane, he is considered insane for all purposes, and is therefore exempt from the mitzvot.<sup>h</sup> If so, someone who was compelled by a demon to eat *matza* is not considered obligated to perform the mitzvot at all.

אָמַר רַב אֲשִׁי: שְׁכַפְאוּהוּ פְּרָסִיִּים. אָמַר רַבָּא, זֹאת אוֹמְרֵת: הִתְקַע לְשִׁיר – יֵצֵא.

Rav Ashi said: We are dealing with a case where the Persians compelled him<sup>n</sup> to eat. Rava said: That is to say that one who sounds a *shofar* for the music, having no intent to fulfill the mitzva, fulfills his obligation, since the critical issue is hearing the blast and not the intent of the blower.

כִּשְׁיֵטָא, הֵינּוּ הֶךָ? מַהוּ דְתִימָא: הָתָם "אָכַוּל מַצָּה" אָמַר רַחֲמֵנָא, וְהָא אָכַל,

The Gemara asks: Isn't it obvious that this is identical to that which was stated above, that one who was compelled to eat *matza* fulfills the mitzva even if he had no intention of doing so? The same should apply in the case of the *shofar*, that one who heard the blast of a *shofar* fulfills his obligation even if he had no intention of doing so. The Gemara answers: Lest you say that there is a difference between the two cases, there, the Merciful One says: Eat *matza*, and he indeed ate it, thereby fulfilling the mitzva.

Perek III  
Daf 28 Amud b

אָבֵל הֶכָּא – "זְכוֹרוֹן תְּרוּעָה" בְּתִיב, וְהָאִי מִתְעַסֵּק בְּעֵלְמָא הוּא. קָא מְשַׁמְעֵ לָן. אֵלְמָא קְסָבֵר רַבָּא: מִצְוֹת אֵינן צְרִיכוֹת כְּוֹנָה.

But here, with regard to a *shofar*, it is written: "A memorial of blasts" (*Leviticus 23:24*),<sup>n</sup> which might have been understood as requiring conscious intent, and this one was merely acting unawares, without having any intent whatsoever of performing the mitzva. Therefore, Rava teaches us that the absence of intent does not invalidate fulfillment of the mitzva, even in the case of *shofar*. The Gemara concludes: Apparently, Rava maintains that the fulfillment of mitzvot does not require intent. That is to say, if one performs a mitzva, he fulfills his obligation even if he has no intention of doing so.<sup>h</sup>

אֵיתִיבֵיהּ: הֵיךָ קוֹרָא בְּתוֹרָה, וְהֵגִיעַ זְמַן הַמִּקְרָא, אִם כְּוֹנֵן לְבוֹ – יֵצֵא; וְאִם לֹא – לֹא יֵצֵא. מֵאֵי לָאוּ – כְּוֹנֵן לְבוֹ לְצִאָתָּה?

The Gemara raised an objection to this conclusion from what we learned in a mishna: If one was reading the passage of *Shema* in the Torah, and the time of reciting *Shema* arrived, if he focused his heart, he has fulfilled his obligation, but if not, he has not fulfilled his obligation. The Gemara reasons: What, is it not that he focused his heart to fulfill his obligation, and if he failed to do so, he has not fulfilled his duty, therefore implying that the fulfillment of mitzvot requires intent?

NOTES

It is written, A memorial of blasts – זְכוֹרוֹן תְּרוּעָה בְּתִיב: The early authorities ask whether the phrase "a memorial of blasts" is itself the source of the distinction between the mitzvot of *shofar* and *matza*, or whether this verse is perhaps only secondary to a more fundamental distinction: The case in question with regard to the *shofar* is one of acting unawares, as opposed to the case of eating *matza*, which is not. It should be noted that variant texts omit the sentence citing the verse. Rashi and other

commentaries explain the distinction between the two cases as follows: One who acts unawares with regard to a mitzva from which he derives benefit, such as eating *matza*, is considered with regard to *halakha* to be acting with intent. This is apparent even with regard to the penalties incurred for such acts, since one who eats a prohibited food while acting unawares is punished no differently than one who does so intentionally. Some say that the principal difference between the mitzvot of

*shofar* and *matza* is that the obligation of eating *matza* involves a tangible act. Therefore, when one performs the mere act of eating he fulfills his obligation. This is not true in the case of the *shofar*, since the mitzva is to hear, and hearing is not a tangible act. Therefore, if one lacks intent, he does not fulfill his obligation (see Jerusalem Talmud; *Peni Yehoshua*).

**Reading from a Torah scroll in order to correct it – קורא** להגיה: While it is not entirely clear how Rashi understands the case being discussed, most commentaries hold that this is a case of one who is reading in order to correct the text and not in the usual manner (Rabbeinu Hananel and many others). Instead of focusing on the pronunciation of the words, he is focusing on the way in which the words are written. Therefore, this cannot truly be considered reading. The Ritva, on the other hand, explains that one who is reading in order to correct the text must be viewed as acting unawares, since his mind is focused on correcting and not on reading. Therefore, his reading is not a conscious act; it is as if he is performing an unrelated act, while simultaneously reading unintentionally.

**He sounded bark-like blasts – מנבב נבוחי** – Many commentaries explain that he did not sound a complete blast but merely made some broken sounds (Rashi; Rabbeinu Hananel; Rambam). *Tosafot* raise a difficulty with regard to this explanation and suggest, along with the Rashba, that this is a case where he was using the *shofar* unawares, blowing it without the intent of creating a sound. On the other hand, Rav Hai Gaon and the *Meiri* explain that in this case, he blew the *shofar* to create random sounds, not for the sake of creating a blast.

## HALAKHA

**Intent while reciting *Shema* – כוונה בקריאת שמע** – One who recited *Shema* and did not have intent when reciting the first verse did not fulfill his obligation. If he did not have intent when reciting the rest of the paragraph, but during the time when *Shema* is recited happened to read the appropriate section of the Torah scroll, as long as he read the paragraph correctly, he has fulfilled his obligation. The principle that mitzvot require intent applies to the intent to fulfill the obligation, but when reciting the first verse of *Shema*, one needs intent with regard to the content as well (*Magen Avraham; Shulhan Arukh, Orach Hayyim* 60:5).

**Intent of the hearer and the sounder of the *shofar* – כוונת שומע ומשמיע בתקיעה**: If the hearer had intent to fulfill his obligation and the sounder did not intend to discharge the hearer's obligation, or the sounder had intent but not the listener, one does not fulfill his obligation; both the hearer and the sounder must have the proper intent. If one comes to the synagogue to sound the *shofar* in order to fulfill his obligation to hear the *shofar*, he is considered to have fulfilled his obligation even if he did not have that intention while he was sounding it. However, if he did not enter with this intent, and had no intent at the time of listening, he did not fulfill his obligation (*Radbaz; Shulhan Arukh, Orach Hayyim* 589:8).

לא, לקרות. לקרות? הא קא קרי!  
בקורא להגיה.

תא שמע: היה עובר אחריו בית  
הכנסת, או שהיה ביתו סמוך לבית  
הכנסת, ושמע קול שופר או קול  
מגילה, אם כיוון לבו – יצא; ואם  
לאו – לא יצא. מאי לאו: אם כיוון  
לבו – לצאת!

לא, לשמוע. לשמוע? והא שמע!  
סבור: תמור בעלמא הוא.

אייתיביה: נתכוון שומע ולא נתכוון  
משמיע, משמיע ולא נתכוון שומע –  
לא יצא, עד שיתכוון שומע ומשמיע.  
בשלמא נתכוון משמיע ולא נתכוון  
שומע – בסבור חמור בעלמא הוא.  
אלא נתכוון שומע ולא נתכוון  
משמיע היכי משבחת לה? לאו  
בתוקע לשיר?

דלמא דקא מנבב נבוחי.

אמר ליה אבמי: אלא מעתה הישן  
בשמיני בסוכה ילקה!

אמר לו: שאני אומר מצות אינו עובר  
עליהן אלא בזמן.

The Gemara rejects this argument: **No**, the mishna means that he intended to read the passage. The Gemara asks in astonishment: **To read? But he is already reading it**, for the mishna explicitly states: If one was reading in the Torah. The Gemara answers: We are discussing **one who was reading from a Torah scroll in order to correct it**,<sup>N</sup> uttering the words indistinctly. The mishna teaches that if such an individual intends to articulate the words correctly, he has fulfilled his obligation.<sup>H</sup>

The Gemara raises another objection: **Come and hear that which we learned in our mishna: If one was passing behind a synagogue, or his house was adjacent to the synagogue, and he heard the sound of the *shofar* or the sound of the Scroll of Esther, if he focused his heart, he has fulfilled his obligation, but if not, he has not fulfilled his obligation. What, is it not that he focused his heart to fulfill his obligation, and if he failed to do so, he has not fulfilled his duty, therefore implying that the fulfillment of mitzvot requires intent?**

The Gemara rejects this argument: **No**, the mishna means that he intended to hear the sound of the *shofar*. The Gemara immediately asks: **To hear? But he already hears it**, since the mishna explicitly states: And he heard the sound of the *shofar*. The Gemara answers: We are discussing **one who thinks that it is merely the sound of a donkey that he is hearing**, and in this case, where the listener thinks that the sound was not that of a *shofar*, he does not fulfill his obligation. Therefore, the mishna teaches that it is sufficient that one have intent and know that he is hearing the sound of a *shofar*.

The Gemara raised an objection to this answer from a *baraita*: **If the hearer of the *shofar* had intent, but the sounder of the *shofar* did not have intent, or if the sounder of the *shofar* had intent, but the hearer did not have intent, he has not fulfilled his obligation, until both the hearer and the sounder have intent.**<sup>H</sup> Granted, with regard to the case where the sounder had intent, but the hearer did not have intent, Rava can say that this is referring to a case where the hearer thinks that it is merely the sound of a donkey and he did not have intent to hear the sound of a *shofar*. **But** with regard to the case where the hearer had intent, but the sounder did not have intent, under what circumstances can this case be found? **Is it not where he sounds a *shofar* for music and despite the intent of the hearer he has not fulfilled his obligation?** This implies that unless the sounder of the *shofar* has intent to fulfill the mitzva the hearer does not fulfill his obligation.

The Gemara rejects this argument: **Perhaps** the *baraita* is referring to a case where he sounded bark-like blasts<sup>N</sup> with the *shofar*, i.e., he did not sound the *shofar* in the proper manner, but merely acted unawares without intent to perform the mitzva. The *baraita* teaches us that if he has intent to sound the blasts in the correct manner, he has fulfilled his obligation.

Abaye said to Rava: **However**, if that is so, that the fulfillment of a mitzva does not require intent, **one who sleeps in a *sukka* on the Eighth Day of Assembly should receive lashes** for violating the prohibition against adding to mitzvot, since he is adding to the mitzva of: "You shall dwell in *sukkot* for seven days" (*Leviticus* 23:42). Since, according to Rava, even if one did not intend to observe the mitzva of *sukka* but slept in the *sukka* for a different reason, his sleeping in the *sukka* constitutes the fulfillment of a mitzva to dwell there, then, if one did so at an inappropriate time, he is considered to have transgressed the prohibition against adding to the mitzvot. Yet the Sages instituted that in the Diaspora one must observe *Sukkot* for eight days.

Rava said to him: This is because I say that mitzvot can be transgressed only by adding to them in their prescribed times. But if one adds to a mitzva outside of the period of obligation for the mitzva, there is no violation of the prohibition against adding to mitzvot. On the Eighth Day of Assembly there is no longer a mitzva to sleep in the *sukka*. Therefore, sleeping in the *sukka* on that day does not constitute a prohibited act.

**בל תוסיף בברכה** – Do not add, in the Priestly Blessing – **בהנימים**: It is prohibited for a priest to add a blessing on his own beyond the three verses that comprise the Priestly Blessing. If he added to it, he transgresses the prohibition: Do not add. This is the case when he adds the blessing while raising his hands while facing the people (*Shulhan Arukh HaRav*). Some say he transgresses even when his hands are not raised, as long as he is standing on the platform (*Biur Halakha; Shulhan Arukh, Oraḥ Hayyim* 128:27).

**הדר מברך** – He may recite the blessings again – A priest who recited the Priestly Blessing and later encounters another community in prayer where the Priestly Blessing has not yet been recited may recite the blessing again, even several times in a single day (*Shulhan Arukh, Oraḥ Hayyim* 128:28).

**מתנות מזבחה** – Blood of sacrifices that became mingled – **שנתערבו**: With regard to the blood of consecrated sacrifices, the same *halakha* applies whether blood became mingled with blood or different bowls of blood became confused. If consecrated sacrifices that require one sprinkling become mingled with those that require two sprinklings, which are four, such as peace-offerings, burnt-offerings, and guilt-offerings, all of the blood should be sprinkled once. This accords with Rabbi Yehoshua's opinion, since in disputes between him and Rabbi Eliezer, Rabbi Yehoshua's opinion is accepted (*Rambam Sefer Korbanot, Hilkhot Pesulei HaMukdashin* 2:11).

NOTES

The blood of an offering that requires four sprinklings became mingled with the blood of an offering that requires one sprinkling – **מתן ארבע במתן אחת**: It is generally understood that the phrase: Four sprinklings, refers to the sprinkling of the blood of the sin-offering, which requires four sprinklings on the four corners of the altar, as Rashi explains in tractate *Eiruvin* (100a). Here, Rashi, *Tosafot*, and many other commentaries explain that this phrase is referring to the sprinkling of the blood of most sacrifices, such as burnt-offerings and peace-offerings, where one performs the rite of: Sprinkling two, which are four, i.e., two sprinklings of blood on the corners of the altar, which trickle down its four sides. Although the offering requiring four sprinklings usually refers to the sin-offering, it is difficult to explain that this is the case here. The blood of other offerings must be sprinkled on the lower half of the altar, but the blood of the sin-offering is sprinkled on the corners of the upper half of the altar. In such a case there would be no way of sprinkling, because sprinkling any blood outside its designated place is prohibited.

**הרי הוא** – He transgresses the prohibition: Do not add – **עובר על כל תוסף**: *Tosafot* in tractate *Eiruvin* (100a) raise a difficulty: Why doesn't the mitzva of sprinkling blood on the four corners of the altar, which is a positive mitzva, supersede the prohibition: Do not add? Some explain that a positive mitzva does not supersede a prohibition except in a case where observing the positive mitzva inherently sets aside the prohibition. Here, however, with regard to the portion of the blood that is sprinkled once, there is no mitzva to sprinkle it twice (see *Arukh LaNer*).

מתניב רב שמן בר אבא: מנין לכהן שעולה לדוכן, שלא יאמר: הואיל ונתנה לי תורה רשות לברך את ישראל – אוסיף ברכה אחת משלי, כגון: "ה' אלהי אבותיכם יוסף עליכם?" תלמוד לומר: "לא תוסיפו על הדבר". והא הכא, מנין דברין ליה – עברה ליה זמניה, וקתני דעבר!

Rav Shemen bar Abba raised an objection from that which was taught in a *baraita*: From where is it derived that a priest who went up to the platform to recite the Priestly Blessing should not say: Since the Torah granted me permission to bless the Jewish people, I will add a blessing of my own, which is not part of the Priestly Blessing stated in the Torah, for example: "May the Lord God of your fathers make you a thousand times as many as you are" (Deuteronomy 1:11)? It is derived from the verse that states: "You shall not add to the word which I command you" (Deuteronomy 4:2). But here, since the priest already recited the Priestly Blessing, the time of the mitzva has passed, and according to Rava, after the prescribed time for performing a mitzva, one does not transgress the prohibition against adding to mitzvot, yet it nevertheless teaches that he has transgressed.<sup>h</sup>

The Gemara answers: With what are we dealing here? With a case where he did not complete the fixed text of the blessing but added to it in the middle.

The Gemara raises an objection: Isn't it taught explicitly in a parallel *baraita*: If he completed the Priestly Blessing. The Gemara answers: The *baraita* means that he completed one blessing, i.e., the first verse of the Priestly Blessing, but he still has two more blessings to recite.

The Gemara raises a further difficulty: Isn't it taught in another *baraita* dealing with the same issue: If he completed all of his blessings. The Gemara explains: Here, with regard to the Priestly Blessings, it is different, since if he encounters another congregation, he may recite the blessings again,<sup>h</sup> from which we learn that the entire day is the prescribed time of the mitzva. Therefore, even if he added a blessing of his own only after he finished reciting all three verses of the Priestly Blessing, he is still considered to have added to the mitzva in its prescribed time, and he therefore transgresses the prohibition against adding to mitzvot.

The Gemara comments: And from where do you say that if a mitzva may be performed again, the whole day is considered its prescribed time? As we learned in a mishna: If the blood of sacrifices that require only one sprinkling, such as the firstborn offering, became mingled with the blood of other sacrifices that require only one sprinkling, the mixture of blood is sprinkled once.<sup>h</sup> Similarly, if the blood of sacrifices that require four sprinklings, such as burnt-offerings, became mingled with the blood of other sacrifices that require four sprinklings, the mixture is sprinkled four times.

However, if the blood of an offering that requires four sprinklings became mingled with the blood of an offering that requires only one sprinkling,<sup>n</sup> the *tanna'im* disagree: Rabbi Eliezer says: The mixture of blood is sprinkled four times. And Rabbi Yehoshua says: It is sprinkled once.

Rabbi Eliezer said to Rabbi Yehoshua: But if he sprinkles the blood only once, he thereby transgresses the prohibition: Do not diminish, which renders it prohibited to take away any element in the performance of a mitzva, as he has not sprinkled the blood of an offering requiring four sprinklings, i.e., the burnt-offering in the proper manner. Rabbi Yehoshua said to Rabbi Eliezer: But according to your position, that he must sprinkle the blood four times, he thereby transgresses the prohibition: Do not add,<sup>n</sup> which renders it prohibited to add elements to a mitzva, e.g. an offering requiring one sprinkling, like the firstborn animal.

Rabbi Eliezer said to Rabbi Yehoshua: The prohibition: Do not add, is stated only in a case where the blood stands by itself, but not when it is part of a mixture. Rabbi Yehoshua said to Rabbi Eliezer: Likewise, the prohibition: Do not diminish, is stated only in a case where the blood stands by itself.

הכא במאי עסקינן – בדלא סיים.

והתניא: סיים! סיים ברכה אחת.

והתניא: סיים כל ברכותיו! שאני הכא, מנין דאלו מתרמי ליה צבורא אחרינא – הדר מברך, כוליה יומא זמניה הוא.

ומנא תימרא? דתנן: הניתנין במתנה אחת שנתערבו בניתנין מתנה אחת – ניתנו מתנה אחת. מתן ארבע במתן ארבע, ניתנו במתן ארבע.

מתן ארבע במתן אחת, רבי אליעזר אומר: ניתנו במתן ארבע. רבי יהושע אומר: ניתנו במתן אחת.

אמר לו רבי אליעזר: הרי הוא עובר על "בל תגרע"! אמר לו רבי יהושע: הרי הוא עובר על "בל תוסיף".

אמר לו רבי אליעזר: לא נאמר "בל תוסיף" אלא בשהוא בעצמו. אמר לו רבי יהושע: לא נאמר "בל תגרע" אלא בשהוא בעצמו.

NOTES

Rabbi Yehoshua said further – ועוד אמר רבי יהושע: The Ritva asks: Why did Rabbi Yehoshua need to provide an additional reason for his position? He explains that Rabbi Yehoshua is pointing out that the prohibitions: Do not add, and: Do not diminish, are not parallel to one another. One is liable for diminishing the mitzva only when the kinds of blood are separate, while liability for: Do not add, is incurred even when the kinds of blood are mingled. Additionally, although one might think it is preferable to sprinkle the blood numerous times in order to avoid the appearance of transgressing the prohibition: Do not diminish, it is actually preferable to refrain from doing so in order not to actively transgress the prohibition: Do not add.

If he encounters another firstborn – איילו מתרמי ליה בוכרא – אחרניא: Some of the commentaries mention that the Gemara's explanation is unclear, since in any case with regard to that specific firstborn, no additional mitzva is meant to be performed, and the time of the mitzva has passed. The response is that, nevertheless, the mitzva of offering the firstborn is still valid all day long, while the mitzva of the priest to recite the Priestly Blessing again after he has already recited it once is considered a mitzva whose time has passed (Sefat Emet).

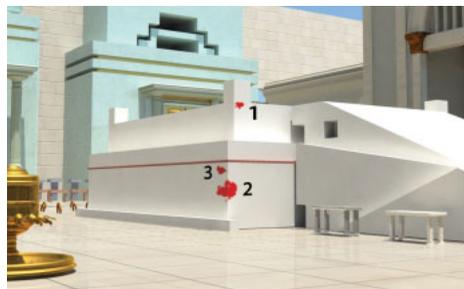
HALAKHA

If he wishes, he may refrain from blessing them – אי בעי: Priests are obligated by a positive mitzva to bless the congregation, and, refraining from doing so constitutes a transgression. However, a priest who has already recited the Priestly Blessing on a particular day is not obligated to go up and bless the congregation another time when the priests are called up. He does not transgress a prohibition if he does not go up, even if he was told to do so (Shulhan Arukh, Orah Hayyim 128:3).

BACKGROUND

The sprinkling of blood – מתן דמים: The blood of the sin-offering is sprinkled with the finger on the corner of the altar above the middle of the altar (1), a procedure that is then repeated on its four corners. The blood of the burnt-offering is sprinkled directly on the altar's corner below its middle, resulting in the blood being sprinkled on both of its sides (2). The procedure is repeated on the point of the opposite corner, comprising two sprinklings that are four, i.e., on all four sides of the altar.

The blood of the firstborn, tithe-offerings, and the Paschal offering is sprinkled once on one of the altar's sides, within its lower half, on condition that it be sprinkled above the altar's foundation (3).



Corner of the altar with splashes of blood

ועוד אמר רבי יהושע: בשלא נתת – עברת על "בל תגרע", ולא עשית מעשה בידך. בשנתת – עברת על "בל תוסוף", ועשית מעשה בידך!

והא הכא. בין דיהיב ליה מתנה מבכור – עברה ליה לזמניה, וקתני דעבר משום "בל תוסוף". לאו משום דאמרין: בין דאילו מתרמי ליה בוכרא אחרניא הדר מזה מיניה, כוליה יומא ומניה?

ממאי דלמא קסבר רבי יהושע: מצות עובר עליהן אפילו שלא בזמן.

אנן הכי קאמרין: רב שמן בר אבא מאי טעמא שביק מתניתין ומותיב מבריייתא? לותיב ממתניתין! מתניתין מאי טעמא לא מותיב? בין דאילו מתרמי ליה בוכרא אחרניא בעי מזה מיניה, כוליה יומא ומניה הוא. בריתא נמי, בין דאי מתרמי צבורא אחרניא – הדר מברך, כוליה יומא ומניה!

ורב שמן בר אבא: התי – לא סגי דלא יהיב; הכא – אי בעי – מברך, אי בעי – לא מברך.

רבא אמר: לצאת – לא בעי פוונה; לעבור – בעי פוונה.

והא מתן דמים לרבי יהושע, דלעבור, ולא בעי פוונה! אלא אמר רבא: לצאת – לא בעי פוונה; לעבור, בזמנו – לא בעי פוונה; שלא בזמנו – בעי פוונה.

אמר ליה רבי זירא לשמעיה:

Rabbi Yehoshua said further,<sup>N</sup> in defense of his position: **When you do not sprinkle four times, even if you transgress the prohibition: Do not diminish, you do not perform the act with your own hand,** since it is merely an omission, not an action. Whereas **when you sprinkle four times, you transgress the prohibition: Do not add, with regard to one of the sacrifices, and you perform the act with your own hand, i.e., you transgress the Torah's command by means of a positive act.** If one is forced to deviate from the words of the Torah, it is preferable to do so in a passive manner. The Gemara concludes the citation from the mishna.

The Gemara proceeds to derive from here that if the mitzva may be performed again the whole day is considered its prescribed time: **And here, once he has already offered one sprinkling of the blood of the firstborn as required, its time has passed, since he has already completed the mitzva of sprinkling the blood of the firstborn, and it nevertheless teaches that he transgresses the prohibition: Do not add. Is it not because we say as follows: Since if he encounters another firstborn<sup>N</sup> to be sacrificed, he would sprinkle of its blood again?** If so, **the entire day is considered the prescribed time for the mitzva of sprinkling.**

The Gemara rejects this argument: **From where do you conclude that this is so? Perhaps Rabbi Yehoshua maintains that mitzvot can be transgressed by adding to them even outside their prescribed times.** Therefore, this source provides no proof.

The Gemara explains: **This is what we were saying when we cited this mishna: What is the reason that Rav Shemen bar Abba set aside the mishna, which deals with the sprinkling of blood, and raised an objection from a baraita? He should have raised an objection from the mishna, which is more generally accepted. What is the reason that he does not raise an objection from the mishna? Since he knows that it can be argued as follows: Because if he encounters another firstborn he will be required to sprinkle its blood. Therefore the entire day is considered the prescribed time of the mitzva. If so, with regard to the baraita as well, it can be argued that because if he encounters another congregation, he may recite the Priestly Blessing again, the whole day is considered its prescribed time.**

The Gemara asks: **And what is the opinion of Rav Shemen bar Abba, who raised the objection from the baraita? The Gemara explains: There, it is not possible to refrain from sprinkling the blood of another firstborn that comes his way, so the entire day is certainly its prescribed time. But here, if he wishes, he may bless the other congregation, and if he wishes, he may refrain from blessing them,**<sup>H</sup> since he is obligated to recite the Priestly Blessing only once a day.

Rava himself said: There is no difficulty at all, since **the fulfillment of a mitzva does not require intent, but the transgression of the prohibition: Do not add, or: Do not diminish, requires intent.**

The Gemara raises a difficulty: **But in the case of the sprinkling of blood,<sup>B</sup> according to Rabbi Yehoshua, the transgression of the prohibition: Do not add, does not require intent, since he holds that if one added to the required sprinklings, he transgresses. Rather, Rava said: One must say as follows: The fulfillment of a mitzva does not require intent, and the transgression of the prohibition: Do not add, during the prescribed time of the mitzva, does not require intent, and the sprinkler of the blood therefore transgresses, as Rabbi Yehoshua maintains. However, the transgression of the prohibition: Do not add, when it is not in its prescribed time, e.g., in the case of sleeping in the sukka on the Eighth Day of Assembly, requires intent to fulfill the mitzva, and in the absence of such intent, there is no transgression.**

With regard to the intent required in order to fulfill the mitzva of shofar, Rabbi Zeira said to his servant: