

איכוון ותקע לי. אלמא קסבר: משמיע
בעי כוונה.

מיתבי: היה עובר אחורי בית הכנסת,
או שהיה ביתו סמוך לבית הכנסת,
ושמע קול שופר או קול מגילה, אם
כוון לבו - יצא; ואם לאו - לא יצא.
וכי כוון לבו מאי הוי? היאך לא קא
מיכוין אדעתא דידיה!

הכא בשליח ציבור עסקינן, דדעתיה
אכוליה עלמא.

תא שמע: נתכוון שומע ולא נתכוון
משמיע, נתכוון משמיע ולא נתכוון
שומע - לא יצא, עד שיתכוון שומע
ומשמיע. קתני משמיע דומיא דשומע,
מה שומע שומע לעצמו, אף משמיע -
משמיע לעצמו. וקתני: לא יצא!

תנאי היא, דתנא: שומע - שומע
לעצמו, ומשמיע - משמיע לפי דרכו.
אמר רבי יוסי: במה דברים אמורים -
בשליח צבור, אבל ביחיד - לא יצא,
עד שיתכוון שומע ומשמיע.

מתני' "והיה כאשר ירים משה ידו
וגבר ישראל" וגו'. וכי ידיו של משה
עושות מלחמה או שוברות מלחמה?
אלא לומר לך: כל זמן שהיו ישראל
מסתכלין בלפי מעלה, ומשעבדין
את לבם לאביהם שבשמים - הוי
מתגברים; ואם לאו - הוי נופלים.

Have intent to sound the *shofar* on my behalf and sound it for me. The Gemara infers: Apparently, Rabbi Zeira maintains that he who sounds the *shofar* for others is required to have intent^N to discharge the hearer's obligation.

The Gemara raises an objection from the 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 being read, if he focused his heart to fulfill his obligation, he has fulfilled his obligation, but if not, he has not fulfilled his obligation. It may be asked: And, according to Rabbi Zeira, even if the hearer focused his heart, what of it? The other one, i.e., the one sounding the *shofar*, did not focus his intent to sound the *shofar* with him in mind? If indeed the intent of the one sounding the *shofar* is required, how does the passerby fulfill his obligation?

The Gemara answers: Here we are dealing with the representative of the community, i.e., one who sounds the *shofar* for the entire congregation and has everyone in mind. He does not sound it for a specific individual, but rather on behalf of the entire community, and therefore anyone who hears him sound the *shofar* fulfills his obligation.

The Gemara raises another objection: Come and hear that which was taught in 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. The *baraita* teaches the *halakha* governing the sounder of the *shofar* in similar fashion to the *halakha* governing the hearer. From this it may be inferred that just as the hearer hears for himself, having intent to fulfill his own obligation, so too, the sounder sounds for himself, having intent to fulfill his own obligation, and not that of others. And the *baraita* teaches that if the sounder did not have this intent, the hearer has not fulfilled his obligation.^{NH} But this indicates that if the sounder had intent to sound the *shofar* for himself, he need not have intent to sound it for others, therefore contradicting Rabbi Zeira's opinion.

The Gemara answers: This is the subject of a dispute between *tanna'im*, as it is taught in a *baraita*: The hearer hears for himself, and the sounder sounds the *shofar* in his usual way, i.e., he need not intend to sound it for the sake of the hearer. Rabbi Yosei said: In what case is this statement said? It was said in the case of a representative of the community. But in the case of an ordinary individual, the hearer does not fulfill his obligation until both the hearer and the sounder have intent to discharge the hearer's obligation, as argued by Rabbi Zeira.

MISHNA Incidental to the discussion of the required intent when sounding the *shofar*, the mishna cites the verse: "And it came to pass, when Moses held up his hand, that Israel prevailed; and when he let down his hand, Amalek prevailed" (Exodus 17:11). It may be asked: Did the hands of Moses^N make war when he raised them or break war when he lowered them? Rather, the verse comes to tell you that as long as the Jewish people turned their eyes upward and subjected their hearts to their Father in Heaven, they prevailed, but if not, they fell.

NOTES

He who sounds the *shofar* for others is required to have intent - **משמיע בעי כוונה** - The commentaries and halakhic authorities discussed Rabbi Zeira's perspective at length, especially its relationship to Rava's statements with regard to intent. Most commentaries understand that Rabbi Zeira holds that intent is required in order to fulfill one's obligation; this is Rabbi Yosei's opinion as well (Rashi; Rabbi Zerahya HaLevi; Ramban). Others say that Rabbi Zeira holds that the sounder must intend to discharge the obligation of the particular listener for whom he is sounding the *shofar*, but intent is not required of the listener himself (Rif).

And the *baraita* teaches that the hearer has not fulfilled his obligation - **יקתני לא יצא** - According to Rabbi Zeira, the sounder of the *shofar* must have intent to fulfill the mitzva. However, the *baraita* cited by the Gemara in order to challenge Rabbi Zeira's opinion seems in fact to strengthen his position, as it states that a sounder who did not have intent did not fulfill his obligation. Rabbi Betzalel Ronsburg wrote in the name of the Vilna Gaon that the difficulty can be resolved by paying close attention to the wording of the phrase. The *baraita* uses the singular: He has not fulfilled, and not the plural: They did not fulfill, in order to teach that although that the sounder did not fulfill his obligation in such a case, those who hear the blasts from his *shofar* do fulfill theirs. This indeed poses a challenge to Rabbi Zeira's opinion.

וכי ידיו של משה רבו - **ידיו של משה רבו** - The *Penei Yehoshua* views this mishna as a continuation of the discussion concerning intent to fulfill mitzvot. In the incident of the war against Amalek, the Jewish people focused their thoughts toward God when Moses' hands were raised. The mishna is therefore clarifying, through examples from the Torah, the opinion of Rabbi Yosei and Rabbi Zeira that mitzvot do require intent. The mishna may, however, be implying that even according to the opinion that mitzvot do not require intent, a certain measure of intent is required, since one is required to know at the very least that he is hearing the sound of the *shofar*. Perhaps this passage is meant to provide spiritual direction that is not halakhically obligatory: Even if one is not required to have complete intent to fulfill an obligation, he should nevertheless have complete intent to worship God.

HALAKHA

The intent of the sounder - **כוונת המשמיע** - One who sounds the *shofar* for an individual must have intent to discharge his obligation. If one is sounding the *shofar* for a congregation, it is assumed that he has intent to discharge the obligation of anyone

who hears him sounding the *shofar*. Therefore, if one passes by the synagogue or is sitting in his house and hears the sounding of the representative of the community, if he has intent to fulfill his obligation, he has fulfilled it (*Shulhan Arukh, Orach Hayyim* 589:8-9).

NOTES

Similarly, etc. – כְּיוֹצֵא בְדָבָר וְכוּ: Some later commentaries ask why it was necessary to cite the example of the fiery copper serpent in addition to the verses with regard to Moses raising his hands. They replied that the verses concerning the serpent teach that focusing one's mind toward God is important not only with regard to requesting success and victory, but also with regard to asking for healing and salvation. An additional response is that the mishna is teaching that one should be prepared to focus his mind toward God, both to turn away from evil, as represented by the copper serpent, which was made as a result of the sins of the Jewish people, and to do good, as represented by the hands of Moses (Arukh LaNer).

Cannot discharge the obligation on behalf of the community – אֵינוֹ מוֹצִיא אֶת הָרִבִּים יְדֵי חוֹבָתָן – The Meleket Shlomo wonders why the mishna reads: The community, and not: Others. Some explain that this wording is meant to emphasize that a deaf-mute, imbecile, or minor cannot discharge the obligation for a community even where some of its members are exempt from the mitzva, such as women and children.

A hermaphrodite can discharge the obligation of one of his kind – אַנְדְּרוֹגִינוֹס מוֹצִיא אֶת מִינוֹ – Some authorities say that this halakha is applicable only according to the opinion that a hermaphrodite is considered a unique creation that is neither male nor female. However, according to those who are of the opinion that the identity of a hermaphrodite is held in doubt, as he may be either male or female, the ruling should be identical to that of a half-slave, half-freeman, who cannot fulfill even his own obligation (Ra'avad; Rabeinu Yehonatan). Other authorities say that the cases cannot be compared, because while the half-slave is certainly not completely free, the hermaphrodite may actually be completely male or completely female. Therefore, only he can discharge the obligation of one of his own kind, and the slave cannot (Ritva). Another explanation is offered by the Meiri, who says that since the distinction between the male and female organs of the hermaphrodite is clear, there is no concern that his male component would not discharge the obligation of that male component.

LANGUAGE

Hermaphrodite [androgynos] – אַנְדְּרוֹגִינוֹס: From the Greek ἀνδρόγυνος, androgynus, meaning man-woman.

BACKGROUND

A tumtum and a hermaphrodite – טוּמְטוּם וְאַנְדְּרוֹגִינוֹס: These are people whose sexual development is abnormal. The hermaphrodite develops both male and female sexual organs. In the tumtum, there is a deficiency of sexual development so that the external sexual organs are not developed at all. Hormonal changes, whether natural or through modern treatments involving hormone injections, can cause this development to accelerate. In some cases, many years later it becomes apparent that the tumtum is either male or female.

כְּיוֹצֵא בְדָבָר אֶתְּהָ אֹמֵר: "עֲשֵׂה לָךְ שֶׁרֶף וְשֵׂם אוֹתוֹ עַל גִּם וְהָיָה כָּל הַנִּשְׁוֹךְ וְרָאָה אוֹתוֹ וְחָי." וְכִי נִחַשׁ מִמֵּית אוֹ נִחַשׁ מִחַיָּה? אֲלֵא בּוֹמֵן שִׁישְׂרָאֵל מִסִּתְּבָלִין כְּלָפֵי מַעֲלָה וּמִשְׁעֵבְדֵּין אֶת לִבָּם לְאַבְיָהֶם שְׂבִי שְׂמִים הָיוּ מִתְרַפְּאִין; וְאִם לֹא הָיוּ נִימוּקִים.

חֲרַשׁ שׁוֹטֵה וְקֵטָן אֵין מוֹצִיאִין אֶת הָרִבִּים יְדֵי חוֹבָתָן. זֶה הַכֹּלֵל: כָּל שְׂאִינוּ מְחוּיָבִים בְּדָבָר אֵינוּ מוֹצִיאִים אֶת הָרִבִּים יְדֵי חוֹבָתָן.

גַּמ' תְּנוּ רַבְּנַי: הַכֹּל חַיִּיבִין בְּתַקִּיעַת שׁוֹפָר: כֹּהֲנִים, וְלוֹיִם, וְיִשְׂרָאֵלִים, גֵּרִים, וְעִבְדִּים מְשׁוּחָרְרִים, וְטוּמְטוּם וְאַנְדְּרוֹגִינוֹס, מִי שְׁחָצִיו עֶבֶד וְחָצִיו בֶּן חוֹרִין.

טוּמְטוּם – אֵינוֹ מוֹצִיא לֹא אֶת מִינוֹ וְלֹא אֶת שְׂאִינוֹ מִינוֹ. אַנְדְּרוֹגִינוֹס – מוֹצִיא אֶת מִינוֹ אֲבָל לֹא אֶת שְׂאִינוֹ מִינוֹ. מִי שְׁחָצִיו עֶבֶד וְחָצִיו בֶּן חוֹרִין – אֵינוֹ מוֹצִיא לֹא אֶת מִינוֹ וְלֹא אֶת שְׂאִינוֹ מִינוֹ.

אָמַר מֶר: הַכֹּל חַיִּיבִין בְּתַקִּיעַת שׁוֹפָר: כֹּהֲנִים, לְוִיִּם, וְיִשְׂרָאֵלִים, פְּשִׁטָּא! אֵי הֲנִי לָא מִיחִיבִי – מֵאֵן מִיחִיבִי?!

Similarly,ⁿ you can say: The verse states: "Make for yourself a fiery serpent, and set it upon a pole; and it shall come to pass, that everyone that is bitten, when he sees it, he shall live" (Numbers 21:8). Once again it may be asked: Did the serpent kill, or did the serpent preserve life? Rather, when the Jewish people turned their eyes upward and subjected their hearts to their Father in Heaven, they were healed, but if not, they rotted from their snakebites.

Returning to its halakhic discussion, the mishna continues: A deaf-mute, an imbecile, or a minor^h who sounds the shofar cannot discharge the obligation on behalf of the community. This is the principle with regard to similar matters: Whoever is not obligated to do a certain matter cannot discharge the obligation on behalf of the community.ⁿ

GEMARA The Sages taught the following baraita: All are obligated to sound the shofar:^h

Priests, Levites, and ordinary Israelites; converts; freed slaves; a tumtum, i.e., one whose sexual organs from birth are concealed or are so undeveloped that it is impossible to determine whether the individual is male or female; a hermaphrodite [androgynos],^{lb} i.e., one with both male and female reproductive organs; and a half-slave, half-freeman.

A tumtum who sounds the shofar cannot discharge the obligation of one of his kind, i.e., a fellow tumtum, since men are bound by the obligation, whereas women are not, and it is possible that the sounder is female and the hearer is male, nor can he discharge the obligation of one who is not of his kind, an ordinary man or woman. A hermaphrodite can discharge the obligation of one of his kind,ⁿ a fellow hermaphrodite, since if the sounder is treated as a female, the hearer is also considered a female, but he cannot discharge the obligation of one who is not of his kind.^h One who is half-slave and half-freeman cannot discharge the obligation of one of his kind, as the slave component of the sounder cannot discharge the obligation of the free component of the hearer, and he certainly cannot discharge the obligation of one who is not of his kind, i.e., a completely free individual.

The Master said above in the baraita: All are obligated to sound the shofar: Priests, Levites, and ordinary Israelites. The Gemara asks in astonishment: Isn't that obvious? If these people are not obligated to perform the mitzva, who then is obligated to perform it?

HALAKHA

A deaf-mute, an imbecile, or a minor – חֲרַשׁ שׁוֹטֵה וְקֵטָן: Anyone who is inherently not obligated to fulfill a mitzva, as opposed to one who is no longer under obligation because he has already fulfilled it, cannot discharge the obligation of others. Therefore, a deaf-mute, an imbecile, and a minor cannot discharge the obligation of others. One should be stringent with regard to a child who has reached the age of maturity but it is unclear whether he has developed physical signs of maturity. A deaf person who speaks but does not hear cannot discharge the obligation of others even though he is considered to have awareness, since he is not obligated to hear the shofar. However, some authorities require him to sound it for himself without a blessing (Arukh HaShulhan). A mute person who hears but does not speak can discharge the obligation of others (Rema) and can sound the shofar even ab initio, even though he cannot recite the blessing (Bayit Hadash). A deaf person who hears with the help of a

hearing device is obligated to hear the shofar (Biur Halakha; Shulhan Arukh, Oraḥ Hayyim 589:1–2).

Who is obligated to hear the shofar – מִי חַיִּיב שְׂמִיעַת שׁוֹפָר: All Jewish males are obligated to hear the shofar: Priests, Levites, Israelites, converts, and freed slaves. Women, slaves, and children are exempt. However, a woman who wishes to sound the shofar may do so, and one does not object to it (Rambam Sefer Zemanim, Hilkhot Shofar 2:1 and Haggahot Maimoniyot there). Nowadays most women are accustomed to hear the shofar.

A tumtum and a hermaphrodite with regard to shofar – טוּמְטוּם וְאַנְדְּרוֹגִינוֹס בְּתַקִּיעַת שׁוֹפָר: A tumtum and a hermaphrodite are obligated to fulfill the mitzva of shofar due to their uncertain status. A tumtum who sounded the shofar does not discharge the obligation of others, not even that of another tumtum. A hermaphrodite discharges the obligation for his kind (Shulhan Arukh, Oraḥ Hayyim 589:4).

HALAKHA

The blessing over bread before eating *matza*, etc. – **בְּרַכַּת הַלֶּחֶם שֶׁל מִצָּה וְכוּ'**: Even if one is not eating *matza* himself, he may recite the blessing: Who brings forth bread from the earth, over the *matza* in order to discharge the obligations of others. Similarly, one who is not partaking of the meal may recite the blessing over the wine of *kiddush* on Shabbat, according to Rav Ashi's conclusion (*Shulhan Arukh, Oraḥ Hayyim* 273:4, 484:1).

A blessing on behalf of others – בְּרַכָּה עֵבֹר אֲחֵרִים: One who is not eating is prohibited from reciting enjoyment blessings for others even if they do not know how to recite the blessing themselves. However, he can recite the blessing for children even if they are not of his household, in order to educate them to perform mitzvot (*Taz* and Vilna Gaon citing *Beit Yosef*). If the children know how to pronounce the names of God themselves, he should begin pronouncing each name and allow the children to complete them. The same should be done with adults who do not know how to recite blessings (*Shulhan Arukh, Oraḥ Hayyim* 167:19).

The blessing of the Scroll of Esther for others – **בְּרַכַּת מְגִלַּת אֶסְתֵּר**: Even though one has already fulfilled his obligation to read the Scroll of Esther, he is permitted to recite the blessing in order to discharge another's obligation. If he is reciting it for women, he should say: To hear the reading of the Scroll of Esther (*Magen Avraham, citing Bayit Hadash; Shulhan Arukh, Oraḥ Hayyim* 692:3).

NOTES

And the blessing over wine as part of the sanctification of the day – **וּבְרַכַּת הַיַּיִן שֶׁל קִידּוּשׁ הַיּוֹם**: This *halakha* applies also with regard to the blessing over wine in *havdala*. However, the Rabbis debated whether the blessings over the candle and spices in *havdala* are considered blessings of enjoyment or obligatory blessings, so that this *halakha* does not necessarily apply to them (*Meiri*). It does, however, apply to other blessings over wine recited in connection with various mitzvot, such as the blessings recited at a wedding.

For his children and for the members of his household – **לְבָנָיו וְלִבְנֵי בֵיתוֹ**: The Ritva writes that the prohibition against using the name of Heaven in vain in a blessing is by rabbinical decree. Since it is rabbinically decreed, the mitzva of education, which is also rabbinical, supersedes it (see *Arukh LaNer*). Ritva writes that the phrase: The members of his household, is referring to the women.

בְּרַכַּת הַלֶּחֶם שֶׁל מִצָּה, וּבְרַכַּת הַיַּיִן שֶׁל קִידּוּשׁ הַיּוֹם, מֵהוּ? בֵּינָן דְּחֻבָּה הוּא – מִפִּיק, אוֹ דְּלִמָּא, בְּרַכָּה לְאוֹ חֻבָּה הִיא?

תָּא שְׁמַע: דְּאָמַר רַב אֲשִׁי: כִּי הוּיֵינְךָ בֵּי רַב פְּפִי הוּהוּ מְקַדֵּשׁ לָךְ, וְכִי הוּהוּ אֲתֵי אֲרִיסִיָּה מִדְּבַרְרָא הוּהוּ מְקַדֵּשׁ לְהוּ.

תֵּנוּ רַבֵּנָן: לֹא יִפְרוֹס אָדָם פְּרוּסָה לְאוֹרְחֵינָא אֶלְיָא אִם כֵּן אוֹכֵל עִמָּהֶם. אֲבָל פּוֹרֵס הוּא לְבָנָיו וְלִבְנֵי בֵיתוֹ, בְּדִי לְחֻנְכֵן בְּמִצְוֹת. וּבְהַלֵּל וּבְמִגִּילָה אִף עַל פִּי שְׂיָצָא – מוֹצִיא.

הדרן עלך ראוהו בית דין

With regard to the blessing over bread that is recited before eating *matza*^H at the Passover seder and the blessing over wine recited as part of the sanctification of the day^N of Shabbat or a Festival, what is the *halakha*? The Gemara analyzes the question: Do we say that since there is an obligation to recite these blessings due to the mitzva involved, therefore one can discharge the obligation for others, even if he himself has already fulfilled his obligation? Or perhaps we say that the blessing itself is not an obligation, but rather the obligation lies in the eating and drinking, and the blessing is recited over one's physical enjoyment; therefore, if he already fulfilled his own obligation, he cannot recite the blessing for others, as he derives no pleasure at this time.

The Gemara answers: Come and hear an answer to this question from what Rav Ashi said: When we were studying in the school of Rav Pappi, he would recite *kiddush* for us, and when his tenants would arrive from the field he would recite *kiddush* once again on their behalf. Therefore, it is clear that one may recite *kiddush* on behalf of others, including the blessing that is recited over the wine, even if he himself has already fulfilled his own obligation.

The Sages taught in a *baraita*: One should not break bread and recite a blessing for guests unless he is eating with them, so that he is obligated to recite a blessing for himself. But he may break bread for his children and for the other members of his household^N and recite the blessing, in order to educate them to perform the mitzvot,^H so that they know how to recite a blessing. And with regard to *hallel* and the Scroll of Esther,^H the *halakha* is that even if he already fulfilled his obligation, he can still discharge the obligation of others.

מתני' יום טוב של ראש השנה שחל להיות בשבת, במקדש היו תוקעין, אבל לא במדינה. משחרב בית המקדש התקין רבן יוחנן בן זכאי שיהו תוקעין בכל מקום שיש בו בית דין. אמר רבי אלעזר: לא התקין רבן יוחנן בן זכאי אלא ביבנה בלבד. אמרו לו: אחד יבנה ואחד כל מקום שיש בו בית דין.

ועוד זאת היתה ירושלים יתירה על יבנה: שכל עיר שהיא רואה ושומעת וקרובה ויכולה לראות – תוקעין; וביבנה לא היו תוקעין אלא בבית דין בלבד.

גמ' מנא הני מילי? אמר רבי לוי בר לחמא אמר רבי חמא בר חנינא: כתוב אחד אומר: "שבתון וכוונת תרועה", וכתוב אחד אומר: "יום תרועה יהיה לכם". לא קשיא: כאן – ביום טוב שחל להיות בשבת; כאן – ביום טוב שחל להיות בחול.

MISHNA With regard to the Festival day of Rosh HaShana that occurs on Shabbat,^H in the Temple they would sound^H the *shofar* as usual. However, they would not sound it in the rest of the country^N outside the Temple. After the Temple was destroyed, Rabban Yoḥanan ben Zakkai instituted^B that the people should sound the *shofar* on Shabbat in every place where there is a court of twenty-three judges. Rabbi Elazar said: Rabban Yoḥanan ben Zakkai instituted this practice only in Yavne,^B where the Great Sanhedrin of seventy-one judges resided in his time, but nowhere else. They said to him: He instituted the practice both in Yavne and in any place where there is a court.^H

The mishna adds: And Jerusalem in earlier times had this additional superiority over Yavne^N after Rabban Yoḥanan ben Zakkai instituted this practice, for in any city whose residents could see Jerusalem and hear the sounding of the *shofar* from there, and which was near to Jerusalem and people could come to Jerusalem from there, they would sound the *shofar* there as well, as it was considered part of Jerusalem. But in Yavne they would sound the *shofar* only in the court itself, not in the surrounding cities.

GEMARA The Gemara asks: From where are these matters; from where is it derived that the *shofar* is not sounded on Shabbat? Rabbi Levi bar Laḥma said that Rabbi Ḥama bar Ḥanina said: One verse says, with regard to Rosh HaShana: "A solemn rest, a memorial of blasts" (Leviticus 23:24), which indicates that one should merely remember the *shofar* without actually sounding it. And another verse says: "It is a day of blowing for you" (Numbers 29:1), i.e., a day on which one must actually sound the *shofar*. This apparent contradiction is not difficult: Here, the verse in which the *shofar* is only being remembered but not sounded, is referring to a Festival that occurs on Shabbat; there, the verse in which the *shofar* is actually sounded, is referring to a Festival that occurs on a weekday.

BACKGROUND

Rabban Yoḥanan ben Zakkai instituted – התקין רבן יוחנן בן זכאי: While the Temple stood, much of Jewish life revolved around the Temple. After the destruction of the Temple, some mitzvot that were dependent on the Temple had to be adapted to the new circumstances so that they could still be fulfilled, while others required reinforcement so that they would not be forgotten and could be reinstated later when the Temple was rebuilt. Rabban Yoḥanan ben Zakkai instituted nine reforms in an attempt to strike this balance of adapting to new circumstances while maintaining the collective memory of Temple practice. These reforms can be divided into three categories.

The first category includes those mitzvot that were adapted to new circumstances. For example, now it was permitted for witnesses to desecrate Shabbat to come and testify about the New Moon only for the months of Nisan and Tishrei. Similarly, the testimony about the New Moon would be accepted all day. In addition, several reforms established Yavne as the replacement for the Temple in certain circumstances. Those included the sounding of the *shofar* on Shabbat in Yavne, and the *halakha* that witnesses to the New Moon should go to the local place of meeting rather than to the Great Sanhedrin.

The second category includes mitzvot that were observed in the usual manner, so that when the Temple will be rebuilt people

will not accidentally transgress, e.g., the prohibition against eating new grain on the entire day of waving the *omer* offering.

The third category is comprised of mitzvot designed to strengthen the memory of the Temple. For example, the *lulav* must be taken all seven days of *Sukkot*, and it was not permitted for priests to recite the Priestly Blessing wearing sandals. These ordinances are discussed in this chapter.

Yavne – יבנה: Yavne is an ancient city that is mentioned even in the Bible, where it is called Yavne'el, in the region of the tribal lands of Judah. Over the course of time it became a Philistine city, and it is mentioned as one of the cities whose walls King Uzzia breached (II Chronicles 26:6). The city of Yavne is located a little over a kilometer from the coast, almost due west of Jerusalem. It was conquered by Vespasian during his campaign against the Great Revolt, and various Sages who did not support the revolt settled there. When Rabban Yoḥanan ben Zakkai joined them, Yavne became the spiritual center of Eretz Yisrael and the location of the Great Sanhedrin for many years, until the bar Kokheva revolt. The central yeshiva in Yavne was called the vineyard in Yavne, because when it was in session the Sages themselves, along with their students, would sit in rows, like the rows of a vineyard (Jerusalem Talmud).

HALAKHA

Rosh HaShana on Shabbat – ראש השנה בשבת: When Rosh HaShana occurs on Shabbat the *shofar* is not sounded. In this case, the *shofar* is considered to be set-aside [*mutzte*] and may not be moved (*Shulḥan Arukh, Oraḥ Hayyim* 588:5, and in the comment of Rema).

Sounding the shofar on Shabbat during the time of the Temple – תקיעה בשבת בזמן הבית: When the Temple was standing the *shofar* would be sounded on Rosh HaShana and in all adjacent cities where the sound of the *shofar* could be heard and seen from Jerusalem. Ra'avad maintains that the *shofar* would be sounded only in the Temple in that period (*Rambam Sefer Zemanim, Hilkhot Shofar* 2:8).

Sounding in a place where there is a court – תקיעה במקום בית דין: When the Temple was destroyed the Sages established that the *shofar* should be sounded on Shabbat in the most important court, whose Sages were ordained, i.e., the Great Sanhedrin, where the months were sanctified. Ordination was granted in a direct line dating back to Moses. Only an ordained Sage was authorized to ordain others, and one could do so only in Eretz Yisrael. However, formal ordination of this kind ceased in the fourth century CE. It is reported that the *shofar* was sounded in the court of the Rif when Rosh HaShana occurred on Shabbat, as he held that any important court may do so. However, not even his own students accepted his opinion (*Rambam Sefer Zemanim, Hilkhot Shofar* 2:9).

NOTES

In the Temple and in the country – במקדש ובמדינה: Some commentaries maintain that here and in similar contexts the term Temple does not refer exclusively to the Temple itself. Rather, it includes all of Jerusalem (*Rambam*). This opinion is supported both by the plain meaning of the continuation of the mishna, which discusses sounding the *shofar* in Jerusalem, as well as the discussion in the Jerusalem Talmud (see *Ran* and *Ritva*). Others contend that the term country refers to anywhere outside the Temple, including Jerusalem, as it usually does (*Ra'avad; Ritva*; and many other early authorities). The commentaries further note that Rashi's opinion on this matter is unclear (see *Penei Yehoshua*).

Jerusalem had this additional superiority over Yavne – ירושלים יתרה על יבנה: According to the opinion of the *Rambam*, as explained in the previous note, this statement is easy to understand, for the *shofar* was also sounded on Shabbat in Jerusalem when the Temple was standing. However, according to those who dispute this point, it is difficult to explain how Jerusalem was superior to Yavne after the destruction of Temple. If this refers to a new decree, that they would sound the *shofar* in Jerusalem, it was not included in the ordinances of Rabban Yoḥanan ben Zakkai. Some suggest that at first the *shofar* was sounded only in the Temple, as the Great Sanhedrin would sit in the Chamber of Hewn Stone, which was part of the Temple structure. However, forty years before the destruction of the Temple, the Great Sanhedrin relocated from the Chamber of Hewn Stone in the Temple to a less sanctified place within the city of Jerusalem. Consequently, during that period they sounded the *shofar* in Jerusalem and its surroundings (*Ritva*; see *Maharsha*). This explanation might also account for an apparent contradiction in *Rashi*, who first states that they would not sound the *shofar* in Jerusalem, but later says that this superiority refers to Jerusalem before the destruction of the Temple.

HALAKHA

Removal of bread – יְדִיית הַפֶּת – Removing bread from an oven is not a prohibited labor on Shabbat. However, the Sages prohibited this action lest one come to bake (Rambam Sefer Zemanim, Hilkhot Shabbat 22:1).

A decree due to Rabba – גְּזֵרַת מִשּׁוֹם דְּרַבָּה – Although the positive mitzva by Torah law to sound the shofar should override Rabba's decree, which applies by rabbinic law, the Sages nevertheless prohibited sounding the shofar on a Rosh HaShana that occurs on Shabbat, lest one carry the shofar four cubits in the public domain, an act punishable by stoning (Rambam Sefer Zemanim, Hilkhot Shofar 2:6).

BACKGROUND

Removal of bread – יְדִיית הַפֶּת – Ovens in talmudic times were made of earthenware. Dough would be inserted into the oven through special openings and stuck to its walls for baking. Although the removal of bread required special training, it is not considered an activity prohibited by Torah law on Shabbat. In the drawing, part of the oven's side was removed to allow a view of the inside of the oven.



Depiction of ancient oven with bread

NOTES

And he might carry it four cubits – וַיַּעֲבִירֵנוּ אַרְבַּע אַמּוֹת – The Gemara is apparently unconcerned about the possibility of carrying from the private domain into the public domain. Several reasons have been suggested for this (see Tosafot for two of them). Some write that occasionally the shofar will already be located in the public domain or in an intermediate domain [karmelit], in which case the above concern about a transfer between domains does not apply, whereas the possibility of carrying in the public domain is always present (Ritva). Some commentaries ask why the Gemara is not concerned that one might fix a shofar, which is a musical instrument and therefore fixing it would constitute a violation of the prohibition against fixing a musical instrument on Shabbat (Tziyyun LeNefesh Hayya; Mizrahi). The answer given is that although this concern does indeed exist, the Gemara merely mentioned one problem.

אָמַר רַבָּא: אִי מְדַאֲרִייתָא הִיא – בְּמִקְדָּשׁ הֵיכִי תִקְעִנָּ? וְעוֹד הָא לָאוּ מְלֵאכָה הִיא דְאַצְטְרִינְךָ קְרָא לְמַעוּטֵי!

דְּתִנָּא דְבֵי שְׂמוּאֵל: "כָּל מְלֵאכָת עֲבוּדָה לֹא תַעֲשׂוּ" – יַצְתָה תְּקִיעַת שׁוֹפָר וְרִדְיִית הַפֶּת, שְׁהִיא חֻכְמָה וְאִינָה מְלֵאכָה.

אֲלֵא אָמַר רַבָּא: מְדַאֲרִייתָא מִיִּשְׂרָאֵל שְׂרִי, וְרַבְּנָן הוּא דְגִזְרוּ בֵּיהּ, כְּדִרְבָּה. דְּאָמַר רַבָּא: הַכֹּל חַיִּיבִין בְּתַקִּיעַת שׁוֹפָר, וְאִין הַכֹּל בְּקִיאִין בְּתַקִּיעַת שׁוֹפָר; גְּזֵרַת שְׂמַא וְטְלָנוּ בִידּוֹ וְנִלְךְ אֶצֶל הַבְּקִי לְלִמּוּד, וַיַּעֲבִירֵנוּ אַרְבַּע אַמּוֹת בְּרִשׁוֹת הָרַבִּים.

וְהֵינּוּ טַעְמָא דְלוּלָב, וְהֵינּוּ טַעְמָא דְמִגִּילָה.

"מִשְׁחָרַב בֵּית הַמִּקְדָּשׁ הִתְקִין רַבֵּן יוֹחָנָן בֶּן זַכַּי וְכוּ'." תַּנּוּ רַבְּנָן: פְּעַם אַחַת חָל רֹאשׁ הַשָּׁנָה לְהֵיוֹת בְּשַׁבָּת, וְהָיוּ כָּל הָעָרִים מִתְפַּנְסִין. אָמַר לָהֶם רַבֵּן יוֹחָנָן בֶּן זַכַּי לְבָנֵי בִתְרִיהּ: נִתְקַע. אָמְרוּ לוֹ: נָדוּן.

Rava said: This explanation is difficult, for if the distinction between Shabbat and the rest of the week applies by Torah law, how does one sound the shofar on Shabbat in the Temple? If it is prohibited to sound the shofar on Shabbat, it should be prohibited everywhere. And furthermore, there is an additional problem with this explanation: Although the Sages prohibited sounding a shofar and playing other musical instruments on Shabbat, by Torah law sounding a shofar is not a prohibited labor on Shabbat such that a verse is necessary to exclude it when Rosh HaShana occurs on Shabbat.

The Gemara cites a proof for this last claim: As a Sage of the school of Shmuel taught in a baraita, with regard to the verse that prohibits performing prohibited labor on Festivals: "Any prohibited labor of work you shall not perform" (Numbers 29:1). This comes to exclude from the category of prohibited labors the sounding of the shofar and the removal of bread^{HB} from the oven, each of which is a skill and not a labor, and therefore they are not included in the category of prohibited labor. Apparently, sounding the shofar is not prohibited by Torah law.

Rather, Rava said: By Torah law one is permitted to sound the shofar on Rosh HaShana even on Shabbat, and it was the Sages who decreed that it is prohibited. This is in accordance with the opinion of Rabba,^H as Rabba said: All are obligated to sound the shofar on Rosh HaShana, but not all are experts in sounding the shofar. Therefore, the Sages instituted a decree that the shofar should not be sounded on Shabbat, lest one take the shofar in his hand and go to an expert to learn how to sound it or to have him sound it for him, and due to his preoccupation he might carry it four cubits^N in the public domain, which is a desecration of Shabbat.

The Gemara comments: And this is also the reason for the rabbinical decree that the palm branch [lulav] may not be taken on Shabbat, and this is likewise the reason for the decree that the Megilla of Esther may not be read on Shabbat. The Sages were concerned that one might carry the lulav or the Megilla four cubits in the public domain to take it to an expert who will teach him the proper manner to perform these mitzvot.

S The mishna taught: After the Temple was destroyed, Rabban Yohanan ben Zakkai instituted that the people should sound the shofar even on Shabbat in every place where there is a court of twenty-three judges. The background to this decree is related in greater detail in a baraita, as the Sages taught: Once Rosh HaShana occurred on Shabbat, and all the cities gathered at the Great Sanhedrin in Yavne for the Festival prayers. Rabban Yohanan ben Zakkai said to the sons of Beteira,^P who were the leading halakhic authorities of the generation: Let us sound the shofar, as in the Temple. They said to him: Let us discuss whether or not this is permitted.

PERSONALITIES

The sons of Beteira – בְּנֵי בִתְרִיהּ: The sons of Beteira were a family of Sages that for many years held an important position of leadership for the Jewish people. Apparently the family originated from Babylonia. However, the Sages of this family served as leaders of the Jewish people in Eretz Yisrael after Shemaya and Avtalyon, at the beginning of the Herodian period. They relinquished this position for Hillel the Elder when he was appointed the head of the Great

Sanhedrin. After the destruction of the Temple the sons of Beteira maintained great influence, although they did not hold any official position. The well-known members of this family are the first Rabbi Yehuda ben Beteira, who lived in Netzivin in Babylonia; the second Rabbi Yehuda ben Beteira; and the pair Rabbi Yehoshua ben Beteira and Rabbi Shimon ben Beteira, who are perhaps the sons of the Beteira mentioned here.

Sounding the shofar on Shabbat – תְּקִיעַת בְּשַׁבַּת – The Gemara here concludes that this prohibition is due to Rabba's decree. In the Jerusalem Talmud it is indicated that the main prohibition is derived from the verses, as by Torah law the *shofar* should not be sounded outside the Temple on Shabbat, in accordance with the opinion of Rabbi Levi. It is further stated in the name of Rabbi Shimon bar Yoḥai that there is support for this opinion from the verse: "And you shall bring an offering made by fire to the Lord" (Leviticus 23:25), which appears after the mention of the *shofar*. It can be inferred from here that the sounding of the *shofar* is obligatory only in the place where offerings are sacrificed. It is further suggested in the Jerusalem Talmud that the *shofar* is sounded only when it is clearly "In the seventh month, on the first day of the month" (Leviticus 23:24), and this applies solely in the location of the Great Sanhedrin, which determines the calendar.

A temporary court – בֵּי דִינָא דְאֶקְרָאי – The commentaries dispute the definition of a temporary court in this context. Some maintain that everyone agrees that the *shofar* is sounded only in the Great Sanhedrin. However, according to the first *tanna*, even if the Great Sanhedrin moved to a temporary location they may still sound the *shofar* there (Ritva). Others explain that in any important court, even if it is not the Great Sanhedrin or even a court of twenty-three, they sound the *shofar*. This is apparently the opinion of the Rif, as they sounded the *shofar* in his court on Shabbat (see Ran).

In the presence of the court – בְּפְנֵי בֵּית דִּין – Some commentaries explain the reason for this clause as follows: Since the prohibition against sounding the *shofar* on Shabbat is due to a concern lest one violate Shabbat by performing a prohibited labor, the Sages were not worried about this possibility when the *shofar* was sounded in the presence of a court in session, as the court will ensure that no one carries his *shofar* there through a public domain (Rambam). Others add that once the court is out of session people are less in awe of their authority, and therefore the concern that one may carry a *shofar* is more relevant (*Meiri*).

When the prayer leader completed – כִּי מְסִיִּים שְׁלִיחָא – **דְּצִבּוּרָא** – Some commentaries maintain that one may sound a *shofar* only if it is required at least by rabbinic law (*Tosafot*). This incident in Yavne is cited as the basis for the custom, nowadays prevalent amongst the entire Jewish people, to sound another round of blasts after the prayers (*ge'onim*). Some communities even sound one hundred blasts, in accordance with the opinion of the *Shenei Luhot HaBerit*.

Sounding the shofar on Shabbat – תְּקִיעַת בְּשַׁבַּת – When Rosh HaShana occurred on Shabbat they would sound the *shofar* only in the place of the court, in the presence of the court, while it was in session (Rambam *Sefer Zemanim, Hilkhot Shofar* 2:9).

אָמַר לָהֶם: נִתְקַע וְאַחַר כֵּן נִדּוּן.
לְאַחַר שֶׁתְּקִיעוּ אָמְרוּ לוֹ: נִדּוּן! אָמַר
לָהֶם: כִּבֶּר נִשְׁמָעָה קֶרֶן בְּיַבְנֵה, וְאִין
מְשִׁיבִין לְאַחַר מַעֲשֵׂה:

He said to them: First let us sound it, and afterward, when there is time, let us discuss the matter. After they sounded the *shofar*, the sons of Beteira said to Rabban Yoḥanan ben Zakkai: Let us now discuss the issue. He said to them: The horn has already been heard in Yavne, and one does not refute a ruling after action has already been taken.^N There is no point in discussing the matter, as it would be inappropriate to say that the community acted erroneously after the fact.

”אָמַר רַבִּי אֶלְעָזָר: לֹא הִתְקִין רַבִּין יוֹחָנָן
בְּן זַכַּאי אֶלָּא בְּיַבְנֵה בְּלִבְדָּ. אָמְרוּ לוֹ:
אֶחָד יַבְנֵה וְאֶחָד כָּל מְקוֹם שְׂיִישׁ בּוֹ
בֵּית דִּין.” אָמְרוּ לוֹ הֵינּוּ תַנָּא קַמָּא!

§ The mishna further stated that **Rabbi Elazar said: Rabban Yoḥanan ben Zakkai instituted this practice only in Yavne. They said to him: He instituted the practice both in Yavne and in any place where there is a court.** The Gemara asks: This last statement of the Rabbis: **They said to him, etc.;** is the same as the opinion of the first *tanna* of the mishna. Why did the mishna repeat this opinion?

אִיכָא בְּיַבְנֵיהוּ בֵּי דִינָא דְאֶקְרָאי.

The Gemara answers: The practical difference between the opinion of the first *tanna* and the opinion of the Rabbis who issued that last statement is with regard to a **temporary court**,^N i.e., one that is not fixed in a certain place. According to the opinion of the first *tanna*, the *shofar* is sounded there as well, whereas according to the opinion of the Rabbis who responded to Rabbi Elazar, the *shofar* is sounded only in a place where there is a permanent court, similar to that in Yavne.

”אָמְרוּ לוֹ: אֶחָד יַבְנֵה וְאֶחָד כָּל מְקוֹם
שְׂיִישׁ בּוֹ בֵּית דִּין.” אָמַר רַב הוּנָא:

§ The mishna taught that **they said to him: He instituted the practice both in Yavne and in any place where there is a court.** Rav Huna said:

Perek IV

Daf 30 Amud a

וְעַם בֵּית דִּין. מֵאִי יוֹעֵם בֵּית דִּין?
בְּפְנֵי בֵּית דִּין, לְאַפּוֹקֵי שְׁלֵא בְּפְנֵי
בֵּית דִּין – דְּלֵא.

And they would sound the *shofar* on Shabbat^H with the court. Rav Huna's brief statement is obscure, and therefore the Gemara asks: **What is the meaning of the phrase: With the court?** It means: **In the presence of the court**,^N i.e., in the place where the court convenes. This comes to exclude any place that is not in the presence of the court, as the *shofar* is not sounded there.

מֵתִיב רַבָּא: וְעוֹד זֹאת הִיְתָה יְרוּשָׁלַיִם?
יְתִירָה עַל יַבְנֵה וְכוּ'. מֵאִי יוֹעֹד זֹאת?
אֵילִימָא כְּדִקְתָּנִי – ”זֹאת” מִיבְעִי
לִי! אֶלָּא: דְּבִירוּשָׁלַיִם תּוֹקְעִין יְחִידִין
וּבְיַבְנֵה אִין תּוֹקְעִין יְחִידִין.

§ Rava raised an objection from the mishna: **And Jerusalem had this additional superiority over Yavne. What is the meaning of the phrase: And this additional?** If we say that it is referring only to that which it teaches in the mishna, it should have simply said: **This**, without mentioning that it is an additional superiority. Rather, it indicates that in Jerusalem even private individuals sound the *shofar* on Shabbat, whereas in Yavne individuals do not sound it, but only agents of the court.

וּבְיַבְנֵה אִין תּוֹקְעִין יְחִידִין? וְהָא
כִּי אָתָּא רַב יִצְחָק בַּר יוֹסֵף אָמַר:
כִּי מְסִיִּים שְׁלִיחָא דְצִבּוּרָא תְקִיעָה
בְּיַבְנֵה – לֹא שָׁמַע אִינִישׁ קַל אוֹיְבָה
מִקַּל תְּקוּעָא דִיחִידָא!

And this too is difficult: **Don't individuals sound the shofar in Yavne? But when Rav Yitzḥak bar Yosef came from Eretz Yisrael to Babylonia, he said: When the prayer leader completed^N the sounding of the shofar in Yavne, nobody could hear the sound of his own voice in his ears due to the noise of the sounding of individuals.** After the leader of the congregation finished sounding on behalf of the entire community, many individuals would take out their *shofars* and blast them, which created a loud noise. This indicates that individuals would sound the *shofar* on Shabbat even in Yavne.