The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תקפ"ו סעיף ב'-ג'

Overview

Siman 586 Seif 2:

One who steals a shofar and blows it fulfills the mitzvah even if the owner did not abandon hope of recovering it.

- Even though the one who blew the shofar violated the prohibition of theft, nevertheless, since the primary component of the mitzvah which is listening does not involve theft the mitzvah is fulfilled. This is true after one blew the shofar but l'chatchila it is prohibited to use a shofar against the will of the owner even if he abandoned hope of recovering his shofar and one may certainly not recite a beracha in such a case. (M.B. 9)
- Later authorities write that it is permitted to take someone's shofar without permission to use for the mitzvah since it is assumed that a person would be happy for his property to be used for the performance of a mitzvah. The shofar may be used to blow all 100 blasts. (M.B. 9)

Siman 586 Seif 3:

If one used an idolatrous shofar he did not fulfill the mitzvah since it cannot be nullified and its measurement is considered pulverized. An idolatrous shofar belonging to a gentile or a shofar used in service of an idol that belongs to a gentile should not be used but if it was used the mitzvah was fulfilled. This is true only if one did not have in mind to acquire it when he picked it up but if he had in mind to acquire it he does not fulfill the mitzvah since it would be an idolatrous item that belongs to a Jew. (Some authorities are stringent that one may not use an idolatrous shofar that belongs to a gentile unless it was nullified before Yom Tov.)

- For example, one worshipped the shofar, and the same is true if one served the idol with it, e.g. one blew this shofar in front of an idol. (M.B. 10)
- It is repulsive, and according to many Poskim it is l'chatchila prohibited even if it was nullified. (M.B. 13)
- One fulfills the mitzvah even before it is nullified. It is obvious that if one has no other shofar he may use that shofar even l'chatchila so that one does not forgo the fulfillment of the mitzvah. (M.B. 14)
- According to some authorities this does not refer to a shofar used to serve an idol but some authorities maintain that one must be stringent even in this case. (M.B. 16)
- Since it is prohibited for benefit it is prohibited to use even though it could be nullified since it has not yet been nullified. (M.B. 17)
- If a gentile nullified it on Yom Tov rendering it permitted it may also not be used since it may have been rejected for mitzvah use. We follow the first opinion that even if the shofar was not nullified altogether it may be used if one does not have another shofar. (M.B. 18)

Halacha Highlight

Using a friend's shofar without permission

Shulchan Aruch Siman 586 Seif 2
הגוזל שופר ותקע בו
One who stole a shofar and blew with it

Shulchan Aruch (סע' ב') rules that one who steals a shofar and blows it fulfills the mitzvah even if the owner did not abandon hope of recovering his shofar. Mishnah Berurah (סק"ט) notes that when it comes to tzitzis, for example, one who wears stolen tzitzis does not fulfill the mitzvah. What is the difference between stolen tzitzis and a stolen shofar? The difference is that the mitzvah of shofar is to hear the sound of the shofar blast and while listening to the shofar one is not in contact with the stolen object. For that reason the mitzvah is fulfilled even though the mitzvah was fulfilled with a stolen shofar. He then emphasizes that this halacha addresses the question of whether one fulfilled the mitzvah after using a stolen shofar, but l'chatchila it is prohibited to use a stolen shofar in the fulfillment of the mitzvah of shofar and certainly one may not recite a beracha on the stolen shofar.

Mishnah Berurah, in the name of the later authorities, rules that one may blow a friend's shofar without permission to fulfill the mitzvah. The reason this is allowed and is not considered a stolen shofar is that there is a presumption that people are happy when others could fulfill a mitzvah with their possessions. Moreover, it is permitted for the "borrower" to blow all 100 blasts even though they are not halachically mandated. The reason is that since the custom is to blow 100 blasts one may assume that the owner would not protest. Similarly, one may take a friend's shofar without permission to blow it for a woman or child who has not yet reached the age of chinuch (פסקי תשובות אות ג'). Sefer Kitzur Hilchos Moadim suggests that perhaps nowadays that people are more concerned about hygiene this halacha may no longer be applicable since they may not want someone else's mouth on their shofar (פסקי תשובות שם הע' 6).