



Overview

Siman 586 Seif 20:

If one placed one shofar in another and the inner one extends beyond the outer one on both ends and he placed the inner one in his mouth and blew it, it is valid. It appears to me that even if on the wide end it doesn't extend beyond the outer one but ends at the same height being that it extends on the end that goes in his mouth and he blew the inner shofar he fulfills his obligation. This appears correct in my eyes.) **This assumes that the sound does not change by virtue of having been placed in the outer shofar, but if that is not the case it is invalid.**

- ❖ If the inner shofar is smaller than the outer shofar it is invalid according to all opinions since the sound is emerging from two shofars. (M.B. 78)
- ❖ Taz asserts that Shulchan Aruch agrees that if the two shofars end at the same height the blast is valid but he is concerned since it is difficult to ascertain that the two shofars are exactly the same height. (M.B. 79)

Siman 586 Seif 21:

One may not violate Yom Tov to obtain a shofar on Rosh HaShanah even a Rabbinic restriction. What is an example? If the shofar was on top of a tree or on the other side of the river and there is no other shofar available one may not climb the tree or swim on the water to obtain it. One may ask a gentile to do this since it is a shvus d'shvus (meaning the prohibition against instructing a gentile to perform a Biblical prohibition is only Rabbinic since Chazal said that one must refrain from this type of speech with a gentile. If he is asked to perform a Rabbinically prohibited action it is a shvus d'shvus) **and for the sake of a mitzvah the decree does not apply.** (See above siman 307).

- ❖ One may also not import a shofar from beyond the techum nor may one travel beyond the techum to hear the sound of the shofar. The same is true regarding any Rabbinic prohibition. (M.B. 84)
- ❖ One may also not travel across water by ferry. If, however, there is no alternative, Chaye Adam writes that it is permitted if the gentile transports him and the Jew doesn't participate in the process at all. (M.B. 85)
- ❖ According to this, it may be permitted to ask a gentile to bring a ram's horn if the only other shofar available is not from a ram. (M.B. 86)

Siman 586 Seif 22:

If a gentile brought a shofar from outside of the techum it may be used for tekias shofar. Similarly, if a gentile made a shofar on Rosh HaShanah it may be used for the mitzvah.

- ❖ This is true even if it was brought from a distance of more than 12 mil away, which is Biblically prohibited according to many Poskim. The reason is that an item brought from

Halacha Highlight

Violating a prohibition to hear the shofar

Shulchan Aruch Siman 586 Seif 21

אין מחללין עליו יום טוב

One may not violate Yom Tov for its sake

Shulchan Aruch (סעי' כ"א) writes that one may not violate even a Rabbinic prohibition in order to be able to obtain a shofar. Therefore, if a shofar is in a tree or on the other side of a river, one may not violate the Rabbinic injunctions of climbing a tree or swimming in order to obtain the shofar. The reason Biblical commandments may not be violated is that the mitzvah of shofar is a positive command but desecrating Yom Tov involves a positive command as well as a negative command and a positive command does not override a positive and a negative commandment (מ"ב ס"ק פ"ב). The reason the positive Biblical command to blow shofar does not override the Rabbinic injunctions is that Chazal patterned their injunctions according to the parameters of Biblical prohibitions. The only leniency Shulchan Aruch mentions is that one may ask a gentile to perform a Rabbinic prohibition to obtain a shofar. The rationale for the leniency is that asking a gentile to perform a prohibition is itself only Rabbinically prohibited and when asking him to do something that itself is only Rabbinically prohibited there are two Rabbinic prohibitions (שבות דשבות) and for the sake of performing a mitzvah it is permitted.

Mishnah Berurah (ס"ק פ"א) adds that one may not even cross a river by boat in order to obtain a shofar or in order to be able to hear the shofar. He then cites Chaye Adam who maintains that if one has no other way to obtain a shofar and a gentile will drive the boat without the participation of the Jew, it is permitted for the Jew to accept that ride. Based on this, Poskim write that patients in a hospital who will not be able to hear the shofar unless they ride an elevator may have a gentile press the button for them so that they could fulfill the mitzvah (א"א פסקי תשובות אורח חיים).

out of the techum may not be eaten or provide benefit but it may be moved and blowing a shofar does not provide benefit. (M.B. 87)

- ❖ This ruling applies even if it was manufactured for a Jew. If he made the shofar from the horn of an animal owned by a Jew it is prohibited as nolad but if there is no other shofar available it may be used even on the second day. (M.B. 88)
- ❖ Later authorities write that any shofar that is invalid may not even be used on the second day of Rosh HaShanah. (M.B. 88)

Siman 586 Seif 23:

One may put water or wine in the shofar to clean it but urine may not be placed in it even during the week out of honor.

- ❖ Meaning, it is not honorable towards Hashem so that mitzvos should not become despised in one's eyes. (M.B. 90)