

D) *Araivus*

The Talmud debates whether one is expected to violate a *mitzvah* to save another from his own violation. This is forbidden under normal circumstances. In some cases, the smaller violation will save a much greater violation. Some maintain that the basis to allow one person to violate to save another is *araivus*, the responsibility that each Jew has to make sure that every other Jew keeps the Torah. Thus, if another Jew is deficient in his observance, it detracts from the observance of each other Jew. Therefore, each other Jew can view the deficiency as his own. The discharger will then judge the two conflicting *mitzvos* as his own conflict, and act accordingly. He will inevitably be in violation of something. Rather violate the smaller thing. One who already fulfilled *shofar* may still blow for another who did not hear it yet. He may also recite the *brocha*, though he is not doing for his personal *mitzvah*. It is not considered a *brocha* in vain. This is also based on *araivus*. By applying *araivus* to the concept of sinning to save a fellow, the poskim render the violation a permissible act, since it was done to enable the greater *mitzvah*.

One proof cited to permit blowing after *tosfos Shabbos* is *milah*. A baby born after *maariv Erev Shabbos* before sunset is circumcised the following Friday. Taking this further, if the *bris* is delayed until after *maariv*, but before sunset, it is performed then. This seems to be true whether or not the father does the *milah*. A *mohel* other than the father does it as a form of *shlichus*, agency. A *shliach* may not violate a *mitzvah*. It would follow that the *mohel* relies on *araivus*. Thus, it becomes his personal obligation. *Milah* is slightly different. If the father refuses to do it, it becomes the obligation of all of Israel. This is derived Scripturally. Thus, perhaps in the case of *milah* the *mohel* has a personal obligation far greater than *araivus*. Nonetheless, it would appear that if the father is willing but appoints a *mohel*, the *mohel* may do it through *araivus*. Accordingly, in our case, the invalid who needs to fulfill *shofar* might not have accepted *Shabbos*, but cannot blow himself. If he could, he would be permitted to even after he accepted *Shabbos*. Therefore, the *baal tokaia* has a responsibility to do it. Therefore, if the invalid is able and permitted to do it himself after *kabolas Shabbos*, the *tokaia* may also do so. [See *Shabbos* 4a Eruvin 103b Psachim 59a Rosh Hashanah 29a-b 32b Gitin 41a Kidushin 29a, Poskim. Tur Sh Ar OC 254:6 586:21-22 YD 261:1 262:BY7 (TZ OC 600:2), commentaries. Sdei Chemed Alef 187. Peas Hasadeh Alef 52. S'T Ksav Sofer OC 52. Bais Yitzchok OC 18.]

In conclusion, the *baal tokaia* may blow the minimum ten *kolos* for the person.

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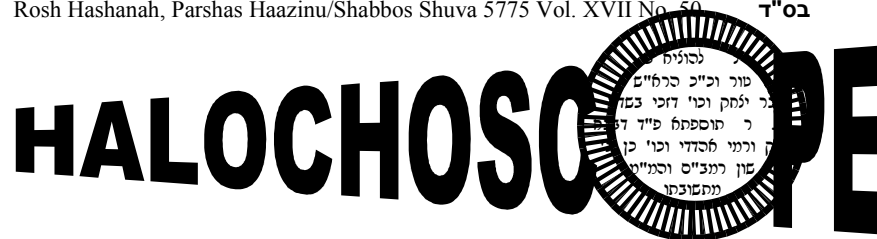
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כתיבה וחתימה טובה

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This week's question:

The second day of *Rosh Hashanah* is *Erev Shabbos*. A *baal tokaia* davened *maariv* early to begin *Shabbos*. He is then approached and asked to blow *shofar* for someone who has not yet heard it this day. May he blow, and if so, how many *kolos*?

The issues:

- A) *Tekias shofar*, the timing and the number of *kolos*
- B) *Shofar* on *Shabbos*
- C) *Tosfos Shabbos*, accepting *Shabbos* early
- D) *Araivus*, the responsibility to discharge the obligation for another Jew

A) *Tekias shofar*, timing and number of *kolos*

Tekias shofar must be done by day. The earliest ideal time is sunrise. It may be done after dawn in emergency. The optimal time is after *shacharis*. The *mitzvos* of *shacharis*, primarily *shema*, are daily. In accordance with the principle of *tadir kodem*, the regular *mitzvah* comes first, they take precedence. It may be done all day. Since *bain hash-moshos*, twilight, is a time of doubt, one should not wait past *shkia*, sunset. In the event that one missed this time, he should perform it *bain hashmoshos* anyhow, without a *brocha*, except on Friday evening, when it is the second day of *Rosh Hashanah*.

Scripturally, the *kolos*, sounds of the *shofar* are meant to be heard in sets. Each set consists of a *tekia*, long blast, a *teruah*, a series of short blasts, and a final *tekia*. Three such sets are required, totaling nine *kolos*. In practice, the Talmud debates the nature of *teruah*. In one view it consists of three wails, called *shevarim*, or broken sounds. In the other view it is a series of nine sobs. A third possibility is that it consists of both, first the wails and then the sobs. To satisfy all possibilities, one must hear three sets of each. The total would be thirty sounds. The minimum Rabbinical obligation is ten *kolos*, incorporating the wails and sobs with two *tekios*, and each of them with two *tekios*.

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

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

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

Sounding the *shofar* twice also catch the *Satan* off guard. Some say the Talmud's reference of *tekios dimeyushav* actually refers to *tekios* blown during *chazaras hashatz*, when only the *shatz* is standing. The *tekios dimeumad* refer to thirty blown at the end of *davening*, to really confuse the *Satan*. [This is also a reason for the very long *tekia* at the end.] According to this view, the thirty sounded before *musaf* are a more recent institution, to reach the one hundred total. [See Rosh Hashanah 16a 32a-b 33b-35a Megilah 20a-b, Poskim. Tur Sh Ar OC 588:1 590:1-2 592:1 596, commentaries.]

B) Shofar on Shabbos

Scripturally, one should sound the *shofar* on *Shabbos*. *Shofar* does not involve *melacha*. Rather, it is considered a *chochma*, an advanced skill. Besides, the *mitzvah* to perform it on this day, no matter what, would push off *Shabbos*. However, the Rabbis suspended the *mitzvah* due to concern that one might carry the *shofar* to a *baal tokaia*, or to learn to blow it. Preoccupation with the *mitzvah* might lead to forgetting about the prohibition of carrying on *Shabbos*, or forget that he was in a place where it is forbidden.

Originally, the *shofar* was blown in the *Bais Hamikdash*. When the Rabbis enacted decrees they excluded the *Bais Hamikdash*. After the destruction, a new institution was made to blow it wherever there was a formal *bais din*. The Talmud debates where and when this applied. Nowadays, we do not blow it anywhere. This being the case, the *shofar* is *muktzeh*. The Talmud discusses the blasts that are blown (in some communities even nowadays) to usher in *Shabbos*. With the final blast, *Shabbos* was ushered in. What did the person blowing it do with the *shofar*? The Talmud debates whether the last blast was blown a little early, or that there was just a moment to hide the *shofar*. [See *Shabbos* 35b-36a Rosh Hashanah 29b-30a, Poskim. Tur Sh Ar OC 588:5, commentaries.]

C) Tosfos Shabbos

While the advent of the new day is in Hashem's hands, we have a *mitzvah* to sanctify *Shabbos* and declare its holiness. This applies during the day and at the onset. Close to the beginning of *Shabbos* we need to recite *kiddush*, and *havdalah* at the end. We also need to 'accept' *Shabbos* at the beginning. This can be done by candle-lighting, saying *kiddush*, *lecha dodi*, *mizmor shir*, *borchu*, *maariv*, or even 'good *shabbos*' with the correct

intent at, or before, the beginning. If one did not accept it before *Shabbos*, he still does so during *Shabbos*. *Shabbos*, for him, began at *bain hashmoshos*, twilight. If one accepts it early, *Shabbos* begins for him, even if it is still light. He has extended *Shabbos*.

This extension, accepted by most poskim, is called *tosfos Shabbos*. It is derived from a Scriptural *mitzvah* to extend *Yom Kippur*, beginning and end. *Shabbos* may be extended to as early as *plag hamincha*, a seasonal hour and a quarter before 'night'. Thus, a part of an earlier day that could be considered attached to the next day is sanctified with the holiness of *Shabbos* for this person. Negative *Shabbos* commandments are enforced by severe penalties. *Tosfos Shabbos* is based on a positive *mitzvah* and does not carry the penalties. One does not have the ability to impose the stringency of *Shabbos* that Hashem imposes. However, *tosfos Shabbos* is Scripturally binding. There is a view that only the last moments are included in the Scriptural aspect. Any earlier self-imposed time is Rabbinically *Shabbos*. In one respect, *tosfos Shabbos* is more stringent than *bain hashmoshos*. *Bain hashmoshos* is treated as a *safeik*, doubt of the more severe *Shabbos*. *Tosfos Shabbos* is definite *Shabbos* for the person who accepted it early.

As it depends on the individual, *tosfos Shabbos* is subjective. Acceptance by a community binds all individuals by *minhag makom*. When self-imposed, *tosfos Shabbos* is viewed by some poskim as a relative and subjective 'vow'. Normally, one gives little thought to how much he accepts. He accepts the concept of *Shabbos*, including its restrictions and stringencies. One could exclude certain matters, such as the option to make a *kidushin*, and even Rabbinical prohibitions that are permitted during *bain hashmoshos*. Rules can be made based on what the normal person would have in mind.

The poskim discuss various cases where *davening maariv*, especially with regard to *tosfos Shabbos*, can render it 'night' for an individual. It would then be considered the next day in terms of the Jewish calendar. Besides having accepted *Shabbos*, there is an issue of *tartei desasrei*. One cannot have it both ways. Either it is still day, or it is night and thereby the next day. In one case study, a community has no *shofar*, and acquires one after having made *Shabbos*, but while it is still light outside. Many poskim permit them to blow *shofar*. They never meant to accept *Shabbos* if it meant that they could not perform a *mitzvah*. Does one have the power to exempt himself from a *mitzvah* by accepting *tosfos Shabbos*? If it is like a *shvua*, one cannot take a *shvua* to absolve himself of a *mitzvah*. [Some contend, one can make a general *shvua*, that will include a *mitzvah*. Here, he accepts *Shabbos* in general. Furthermore, *shofar* is a Rabbinic *mitzvah* on the second day. A *shvua* can work to absolve a Rabbinic *mitzvah*.] Therefore, their acceptance can be split, based on how it is intended. In addition, *tosfos Shabbos* does not restrict Rabbinic ordinances when there is a *mitzvah* need. This is based on the rule for *bain hashmoshos*. As we mentioned, *bain hashmoshos* is not quite the same as committing to *tosfos Shabbos*. Thus, this reason is open to debate. Second, *shofar* is not really a *melacha*. It is forbidden if *Rosh Hashanah* is *Shabbos*, which is not the case here. The other reason to forbid it is as a *chochma* it resembles *melacha*. This is a lower level of Rabbinic restriction, that may be relaxed in this case, when it is not totally *Shabbos* yet. Some poskim rule that only the minimum *kolos*, ten blasts, are blown. [See *Brochos* 2b, *Shabbos* 35a 118b, *Psachim* 94a, *Rosh Hashana* 9a *Kesubos* 50a, etc. Poskim. Tur Sh Ar OC 30:5 89 261