

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

SERIES 3: 60 - SHOFAR ON SHABBAT OU ISRAEL/BEIT KNESSET HANASI - FALL 2026

1. וּבַחֹדֶשׁ הַשְּׁבִיעִי בִּאֶתְדָּ לַחֹדֶשׁ מִקְרָא־קֹדֶשׁ יִהְיֶה לָכֶם כָּל־מִלְאָכָתָ עֲבֹדָה לֹא תַעֲשׂוּ יוֹם תְּרוּעָה יִהְיֶה לָכֶם. (תרגום אוונקלוס – יוס' יצנחל).

במדבר כ"א:

The Torah states that 1st Tishrei is a 'Yom Terua' - a day of crying/shaking/blowing.

2. דִּבֶּר אֱלֹהֵינוּ יִשְׂרָאֵל לֵאמֹר בַּחֹדֶשׁ הַשְּׁבִיעִי בִּאֶתְדָּ לַחֹדֶשׁ יִהְיֶה לָכֶם שְׁכֵחֹן זִכְרוֹן תְּרוּעָה מִקְרָא־קֹדֶשׁ:

ויקרא כ"ב:

The Torah also calls 1st Tishrei a 'Zichron Terua' - a 'remembrance' of blowing etc.

A] TALMUDIC SOURCES

3. יום טוב של ראש השנה שחל להיות בשבת - במקדש היו תוקעים אבל לא במדינה. משחרב בית המקדש התקין רבן יוחנן בן זכאי שיהיו 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.

משנה מסכת ראש השנה פרק ז משנה א

The Mishna rules that when Rosh Hashana falls on Shabbat the shofar is blown in the 'Mikdash' but not in the 'medina' (we will define these terms below). The Tanna Kama then states that, after the Temple was destroyed, Rabban Yochanan Ben Zakai decreed that the shofar should still be blown on Shabbat wherever there was a 'Beit Din'. R. Eliezer disagrees and understands that Rabban Yochanan ben Zakai only permitted blowing shofar on Shabbat in front of the Sanhedrin at Yavne. Then a final opinion is quoted that appears to repeat the understanding that Rabban Yochanan ben Zakai made his ruling wherever there was a Beit Din¹.

A1] THE YERUSHALMI

4. גמ' ר' אבא בר פפא אמר ר' יוחנן ורשב"ל הוון יתיבון מקשיי. אמרין תנינן 'י'ט של ר"ה שחל להיות בשבת במקדש היו תוקעין אבל לא במדינה. אין דבר תורה הוא אף בגבולין ידחה. (קרבן העדה: דקיעת שופר דוחה שבת א"כ אף בגבולין ידחה תקיעת שופר את כשבת). אין לית הוא דבר תורה אף במקדש לא ידחה. כתוב אחד אומר (במדבר כ"א) יום תרועה וכתוב אחד אומר (ויקרא כ"ב) זכרון תרועה. הא כיצד? בשעה שהוא חל בחול יום - תרועה, בשעה שהוא חל בשבת - זכרון תרועה: מזכירין אבל לא תוקעין. מעתה אף במקדש לא ידחה! תנא (ויקרא כ"ב) באחד לחדש. מעתה אפילו במקום שהן יודעין שהוא באחד לחדש ידחה. תני רשב"ל (ויקרא כ"ב) וְהִקְרַבְתֶּם - במקום שהקרבתם קריבין.

תלמוד ירושלמי מסכת ראש השנה פרק ד הלכה א

The Talmud Yerushalmi learns a derasha from the verses themselves that when Rosh Hashana falls on Shabbat the Shofar may not be blown except in the Mikdash.

- According to the Yerushalmi, there appears to be a Torah prohibition to blow the shofar on Rosh Hashana which falls on Shabbat, except in the Mikdash, where there is a Torah mitzva to blow the shofar on Rosh Hashana which falls on Shabbat?!
- Why would there be a Torah prohibition to blow the shofar on Shabbat Rosh Hashana? It is NOT one of the 39 melachot. If it were rabbinically prohibited due to decree against playing musical instruments then:

1. We will explore below how this third opinion may differ from that of the Tanna Kama.

2. This is the position of Tosafot Rid. According to this approach, how did Rabban Yochanan ben Zakai later give permission to blow Shofar on Shabbat in front of a Beit Din but outside the Mikdash? Tosafot Rid suggests that, according to the Yerushalmi, Chazal even had the power to override a Torah prohibition (*kum v'aseh*) and not only a positive Torah mitzva (*shev ve'al ta'aseh*). This is not the position of the Bavli and may represent a more fundamental machloket between Bavli and Yerushalmi. Alternatively, one could learn that the Yerushalmi understands that the Torah is simply suspending the mitzva of shofar on Shabbat while leaving it in place in the Mikdash.

(i) we would not need to learn a heter from the Torah itself; and

(ii) why would it not be prohibited to blow the shofar on EVERY Rosh Hashana since it always falls on Yom Tov³! According to the Yerushalmi, there must be an intrinsic conflict between Shabbat and shofar⁴.

- This may be connected to the reason why other mitzvot, such as tefillin do not apply on Shabbat. The power of Shabbat may be sufficient to replace them, and performing both of these mitzvot may actually be detrimental.
- Some suggest that shofar is an individual cry of teshuva and we do not focus on the needs of the individual on Shabbat. However, we DO focus on the needs of the tzibur on Shabbat⁵ and, as such, the communal blowing in the Mikdash/Beit Din may reflect that.

A2] THE SIFRA

5. (ויקרא כה:ט) וְהֶעֱבַרְתָּ שׁוֹפָר תְּרוּעָה בַּחֹדֶשׁ הַשְּׁבִיעִי בְּעֶשְׂרֵי לַחֹדֶשׁ בַּיּוֹם הַכֹּהֵלִים תַּעֲבִירוּ שׁוֹפָר בְּכָל־אַרְצְכֶם. ביום ולא בלילה. ביום הכיפורים אפילו בשבת. תעבירו שופר בכל ארצכם - מלמד שכל יחיד חייב. יכול אף תרועת ראש השנה תהיה דוחה את השבת - תלמוד לומר בכל ארצכם, והעברת שופר תרועה בחודש השביעי בעשור לחודש ביום הכיפורים. שאין תלמוד לומר בעשור לחודש ביום הכיפורים ממשימם שנאמר ביום הכיפורים איני יודע שהוא יום הכיפורים בעשור לחודש! אם כן למה נאמר בעשור לחודש? אלא בעשור לחדש דוחה את השבת בכל ארצכם ואין תרועת ראש השנה דוחה שבת בכל ארצכם אלא בבית דין בלבד.

ספרא בהר פרשה ב סוף פרק א אות ה

The Sifra learns from the verses pertaining to Yovel that blowing the shofar on 10 Tishrei in the Yovel year overrides Shabbat, but blowing the shofar on Rosh Hashana only overrides Shabbat in front of a Beit Din.

6. 'ואין תרועת ר"ח דוחה שבת בכל ארצכם' - אסמכתא כדאמרן. ואמרין בר"ח לאחר שחרז בצית התקין רבן יוחנן בן זכאי שיכו תוקעין בכל מקום שיש שם צ"ד.

ר"ש משנן על הספרא (מיוחס לו) בהר פרשה ב סוף פרק א אות ה

The Rash understands that this prohibition is an 'asmachta' - an allusion to support a rabbinic⁶ law.

- However, other mefarshim understand this to be a full derasha and Torah law according to the Sifra⁷.

A3] THE BAVLI

7. אמר רבי לוי בר לחמא אמר רבי חמא בר חנינא: כתוב אחד אומר שבתון זכרון תרועה, וכתוב אחד אומר יום תרועה יהיה לכם. לא קשיא - כאן ביום טוב שחל להיות בשבת, כאן ביום טוב שחל להיות בחול. אמר רבא: אי מדאורייתא היא במקדש היכי תקעינן? ועוד הא לאו מלאכה היא דאצטריך קרא למעוטי. דתנא דבי שמואל: כל מלאכת עבדה לא תעשו - יצתה תקיעת שופר ורדיית הפת שהיא חכמה ואינה מלאכה. אלא אמר רבא: מדאורייתא מישרא שרי ורבנן הוא דגזור ביה, כדרבה. דאמר רבה: הכל חייבין בתקיעת שופר, ואין הכל בקיאים בתקיעת שופר, גזירה שמא יטלנו בידו וילך אצל הבקי לתלמוד ויעבירו ארבע אמות ברשות הרבים. והיינו טעמא דלולב והיינו טעמא דמגילה.

ראש השנה כט:

The Bavli considers the position of the Yerushalmi but rejects it on the basis that, if there were Torah prohibition of shofar on Shabbat, it would not be permitted to blow it in the Mikdash. The Bavli concludes that the prohibition is rabbinic⁸ - in case a person may take the shofar on Shabbat to someone to teach them to blow and thereby come to carry the shofar 4 amot in a public domain, which would be a Torah prohibition. This is also the reason that we do not shake lulav on Shabbat⁹ or read megilla on Shabbat.

3. We will address this question specifically below.

4. For more on the position of the Yerushalmi and comparison with the Bavli see *When Rosh Ha-Shana Falls on Shabbat*, Dr A. Marcus - <https://www.gush.net/alei/10-5marcus.rtf>

5. See Shabbat 150a.

6. This is presumably because the Sifra specifies that blowing shofar is permitted on Shabbat Rosh Hashana in front of the Beit Din (and does not mention the Mikdash). This law was introduced by Rabban Yochanan ben Zakai and is rabbinic. As such, the Rash understands that the Sifra's position is (in accordance with the Bavli below) that blowing the shofar on Shabbat Rosh Hashana is permitted according to the Torah law, but the Rabbis prohibited this in most situations and permitted it only in the Mikdash and in front of the Beit Din.

7. See Pnei Yehoshua on Rosh Hashana 30a s.v. *betosafot lo leolam*. The Pnei Yehoshua brings proof from Rashi on the Torah who quotes this Sifra in explaining why we do not blow Shofar on Shabbat, which goes against the reason given in the Bavli. One of the stated purposes of the commentary Pnei Yehoshua was to continue the work of his grandfather's sefer 'Maginei Shlomo' in defending the halachic positions of Rashi against attack from Tosafot and other Rishonim. On the background to the vow of R. Yehoshua Falk to write the Pnei Yehoshua see <https://www.jewishideas.org/article/out-depths-i-have-called-thee-vow-rabbi-yaakov-yehoshua-falk-0>. Rav Shlomo Zevin states that the position of the Pnei Yehoshua is a lone opinion and the majority position is, like the Rash, that the derasha of the Sifra is an asmachta and the law is rabbinic.

8. This rabbinic prohibition would not apply in the Temple - *ein shevut baMikdash*. Rabban Yochanan ben Zakai later extended this to the Sanhedrin at Yavne.

9. Although the Bavli rules clearly that the 4 minim must not be taken on Shabbat, the Yerushalmi reports that Rabbi Abahu instructed the Jews of Alexandria to take the 4 minim on Shabbat.

8. יש תמיהה למה לי גזירה דרבה הא תרי קראי כתיבי זכרון תרועה ויום תרועה ומוקמין חד בשבת וחד בחול ומפרשין יש לומר דרבה גופיה מפרש לכו לקראי מאי טעמא אמר תורה זכרון תרועה משום גזירה דשמא ילך אלל צקי ללמוד וכו'.

ספר שבלי הלכת, סדר ראש השנה סימן רצד

Some Rishonim¹⁰ connect the Bavli and the Yerushalmi and suggest that Rabba did not create a new rabbinic law, but simply explained the reason for the Torah law darshened in the Yerushalmi! This is not however the mainstream view.

9. יום טוב של ראש השנה שחל להיות בשבת אין תוקעין בשופר בכל מקום, אף על פי שהתקיעה משום שבות ומן הדין היה שתוקעין - יבא עשה של תורה וידחה שבות של דבריהם. ולמה אין תוקעין? גזירה שמא יטלנו בידו ויוליכנו למי שיתקע לו ויעבירו ארבע אמות ברשות הרבים. או מוציאו מרשות ויבא לידי איסור סקילה. שהכל חייבים בתקיעה ואין הכל בקיין לתקוע.

רמב"ם הלכות שופר וסוכה ולולב פרק ב הלכה ו

The Rambam rules according to the Bavli but subtly changes the reason from that mentioned in the Gemara ('in case he takes it to someone to teach him to blow'), to 'in case he takes it to someone to blow for him'. He also includes the concern of 'in case someone carries it from a private to public domain', which was not mentioned in the Gemara.

10. כשם שחתימתן של ראש השנה ויום הכיפורים משונה¹¹ משאר ימים טובים כך תפילתן אם חל ראש השנה להיות בשבת אינו אומר 'יום תרועה' אלא 'זכרון תרועה', לפי שאין תקיעת שופר דוחה את השבת בגבולין משום גזירה.

מסכתות קטנות מסכת סופרים פרק יט הלכה ו

The halacha follows the Bavli - that blowing Shofar on Shabbat Rosh Hashana is a rabbinic prohibition due to gezeira deRabba. However, the minhagim of the Rosh Hashana davening¹² reflect the reasoning of the Yerushalmi¹³ and we say 'zichron terua' in place of 'yom terua' when Rosh Hashana falls on Shabbat.

11. (כד) שבתון זכרון תרועה. ששצת אין תוקעין שאין תקיעת שופר דוחה שבת ואין זו אלא זכרון תרועה. אלל צמקדש תוקעין (ר"י כט). תקעו שופר צלילין (יאל צא) ר"ת שבת - שצלילין תוקעין אפילו שבת.

בעל הטורים ויקרא כג:כד

On the level of drush, there are other hints in the verse that 'zichron terua' applies specifically on Shabbat.

B] PROBLEMS WITH 'GEZEIRA DERABBA'

• Although the halacha ultimately follows the view of the Bavli - that we do not blow shofar on Shabbat in case a person seeks out someone to teach them how to blow and may carry the shofar 4 amot in a public domain, a number of questions have been raised on this approach, including:

- Why does Rabba focus on the issue of carrying in a reshut harabbim rather than carrying from a private to public domain, which is not only more common but also chronologically prior¹⁴?
- Why is the gezeira focused on carrying and not on playing a musical instrument on Shabbat?
- The concern is that someone may accidentally carry on Shabbat in the course of trying to do a mitzva ('*to'eh bedvar mitzva*). Why is this sufficiently serious as to cancel the Torah mitzva of shofar?
- Why do we not say the same concerning brit mila on Shabbat and prohibit it in case someone carries the knife or the baby¹⁵?
- According to some views we hardly have any examples today of true reshut harabbim¹⁶. So why is this gezeira still applicable¹⁷?

10. The Shiblei Haleket was written by R. Zedekia ben Avraham HaRofeh - 13th century Italy.

11. This statement seems to be a proof against the famous suggestion of the Torah Temima that, originally, the end of the fourth beracha of the Amida for Yom Tov was 'mekadesh Yisrael vechag hamatzot/hasavuot/hasuccot', depending on the Chag and this was shortened in manuscripts to 'mekadesh Yisrael ve[hazmanim] to indicate that the relevant Chag should be inserted. This was then mistakenly printed as 'Hazmanim' which became the accepted custom. However, it seems from Mesechet Soferim here that ONLY Rosh Hashana and Yom Kippur had their own bespoke beracha endings. Interestingly, the Torah Temima brings his own proof from Mesechet Soferim (13:13) which rules that the last beracha after the Haftara on Chag should end מקדש ישראל ויום פלוני, clearly indicating that the relevant Chag should be inserted. Rav Yosef Ber Soloveitchik recounted that his father once took him as a young child prodigy to meet the Torah Temima, who asked him this as a quiz question! The young Yosef Ber apparently rejected this explanation on the spot by arguing that the root kedusha of all the Chagim was identical, hence the same beracha for all - a position which he held all his life!

12. This distinction is also found in a number of the piyutim for Rosh Hashana.

13. Interestingly, Rav Amram and Rav Hai Gaon did NOT modify the tefilla when Rosh Hashana fell on Shabbat, perhaps for this reason.

14. We saw that the Rambam DOES include this reason in the gezeira. Other Rishonim suggest that the shofar may be kept outside in a semi-public area so carrying from a private to public domain would not be relevant. See Rashi and Tosafot on Succa 43a and Rosh Hashana 29b.

15. The answer given by the Ran (Rosh Hashana Chap 4) is that mila is conducted by an expert who would not forget that it was Shabbat, whereas the concern regarding shofar applies to the layman too. A similar reason could be given as to why general leining was not prohibited on Shabbat in case someone carries a Sefer Torah.

16. According to some views this would require 600,000 people traveling on the road each day.

17. A short answer would be that the gezeira was a 'davar shebeminyan' made by the Sanhedrin in a quorum and, as such, requires such a quorum to release it.

(vi) We will see below that, according to some opinions, blowing on Shabbat was permitted in front of a Beit Din. How would that avoid the concern of carrying the shofar to Beit Din? And if the yirat shamayim caused by the Beit Din would prevent transgression on Shabbat, why would this only apply, according to some opinions, to the Sanhedrin of 71.

12. (ה) אין תוקעים בשופר. משום שמא יטלנו בידו לילך אלל זקי ללמוד ויעצורנו ד"א צרכ"ר. והקשה המזרחי צ"ט נמי נגזר שמא יתקן כלי שיר, והאריך בזה ולצסוף לא תי' כלום. ולעד"נ דקול השופר לא ניתן לשיר אלא לתקועי של מלוא, ע"כ לא גזרו כן. ועוד נ"ל לתרץ דאין להם לגזור ולעקור לגמרי ד"ת שזוהי לתקוע ביום זה. בשלמא בשבת לא מתעקר לגמרי כיון שכלא שבת תוקעין צי"ט. ונראה שזכו בכלל מה שעשו סייג לתורה ולא לעצור על ד"ת דזכו לעצור על ד"ת לעקור לגמרי. ומכ"ט ניחא עוד מ"ש צ"י בשם הר"ן מ"ש מילה דדחיה שבת ולא גזרי' שמא יעצור התינוק ד"א צרכ"ר, ותי' לחלק בין זה לזה בדוחק. ולפי מ"ש ניחא – דהתורה רצתה צפי' וביום השמיני אפי' בשבת, לא רלו לעקור ד"ת צפי' משום גזירה

ט"ז אורח חיים סימן תקפח ס"ק ה

The Taz asks why the rabbis did not prohibit blowing the shofar on Shabbat as a musical instrument. He first answers that shofar, which is designed to fulfil a mitzva and not for music, may not be categorized as a musical instrument. But, more fundamentally, he proposes that the Rabbis would never make a gezeira that would remove entirely an explicit Torah mitzva! A ban on shofar due to the prohibition of playing a musical instrument would also apply on Yom Tov and thereby would effectively remove the mitzva entirely¹⁸.

Also, in the case of mila, the Torah includes extra wording to rule that mila must be done on Shabbat; the Rabbis cannot not go against that. By contrast, on Rosh Hashana the Torah simply ruled to blow on 1st Tishrei but did not explicitly include Shabbat. (Indeed, according to the Yerushalmi, the Torah explicitly rules OUT blowing on Shabbat!). When the Rabbis prohibited blowing on Shabbat (a) they did not go against the Torah's explicit ruling and (b) they did not wipe out the mitzva entirely.

C] MIKDASH AND MEDINA - DIFFERENT ERAS

C1] WHERE ARE 'MIKDASH' AND 'MEDINA'?

- For most mefarshim, Mikdash means inside the Temple precinct and Medina means outside it.

13. אבל לא במדינה - לא צירושלים ולא בגבולין.

רש"י ראש השנה כט:

Rashi, and most other Rishonim, understand that 'medina' means the city of Yerushalayim and beyond.

14. כבר ביארנו לך כמה פעמים כי מקדש נקראת ירושלם כולה. ומדינה, שאר ארץ ישראל.

פירוש המשנה לרמב"ם מסכת ראש השנה פרק ד משנה א

However, the Rambam famously defines 'Mikdash' as anywhere within the Old City of Yerushalayim in the time of the Second Temple.¹⁹

- The Ramban²⁰ understands that the psak of the Rambam is the position of the Yerushalmi.

15. בַּחֲצָצְרוֹת וְקוֹל שׁוֹפָר הָרִיעוּ לִפְנֵי הַמֶּלֶךְ ה':

תהלים צח:

Tehillim describes the blowing of the shofar together with trumpets 'before God'.

- On that basis, the shofar blown in the 'Mikdash' was different in some respects to our mitzva today:
 - it was blown together with two trumpets on either side, but the shofar blast went on longer.
 - it was straight and had gold plating near the mouthpiece²¹.

18. Except in the Mikdash/Beit Din - see below. The concern of carrying does not apply on Yom Tov when carrying is permitted. (According to Beit Shammai who would NOT permit carrying a shofar on Yom Tov, since they do not accept the principle of *mitoch*, the commentators explain that the rabbis did not make the gezeira for Yom Tov since accidental desecration of Yom Tov is less grave than that of Shabbat (which requires a korban chatat).

19. See also his commentary to Ma'aser Sheni 3:4, Succa 3:10 and Shekalim 1:3.

See <https://www.toramedina.org.il/מאמרי-ושיעורי-המרכז-הלכות-מלכים-לרמבם/מקדש-ומדינה-הגדרות-וביאור/> for a detailed analysis of the Rambam's position.

20. See his Drasha on Rosh Hashana.

21. See Rosh Hashana 27a.

C2] SHOFAR ON SHABBAT WHEN THE SANHEDRIN SAT IN THE TEMPLE

16. א יום טוב של ראש השנה שחל להיות בשבת במקדש היו תוקעים אבל לא במדינה
 ב ועוד זאת היתה ירושלים יתירה על יבנה - שכל עיר שהיא רואה ושומעת וקרובה ויכולה לבא תוקעין וביבנה לא היו תוקעין אלא בבית דין בלבד.

משנה מסכת ראש השנה פרק ז משנה א-ב

When the Temple stood and the Sanhedrin was in the Temple complex, the shofar was blown in the 'Mikdash' which, for the Rambam meant all Yerushalayim, and for other Rishonim meant only the Temple complex. Rambam understands that Mishna 4:2 also applies during this period. This means that the shofar was blown not only in Yerushalayim, but also in surrounding villages.²² Other Rishonim apply Mishna 4:2 to the period after the Sanhedrin left the Temple precinct, since, according to those opinions, the shofar was not even blown in Yerushalayim itself.

C3] SHOFAR ON SHABBAT WHEN THE SANHEDRIN SAT IN YERUSHALAYIM

17. ארבעים שנה עד שלא חרב הבית גלתה לה סנהדרין וישבה לה בחנויות.

שבת טו.

40 years before the destruction of the Second Temple, the Sanhedrin ceased to function fully and moved out of the Temple complex into the city of Yerushalayim.

- According to this²³, once the Sanhedrin sat in the city of Yerushalayim, the shofar was blown on Shabbat in Yerushalayim and also in neighboring towns.

C4] SHOFAR ON SHABBAT WHEN THE SANHEDRIN SAT IN YAVNE

18. 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.

משנה מסכת ראש השנה פרק ז משנה א

After the Churban, Rabban Yochanan ben Zakkai decreed that the shofar should be blown on Shabbat before any Beit Din. As we saw above, R. Eliezer understood this to mean ONLY in Yavne, but other views understood it to also apply to other Batei Din.

- The logic behind the extension of the shofar blowing beyond the Mikdash is that the presence of the Beit Din would warn/remind the people not to carry on Shabbat.

19. משחרב בית המקדש התקין רבן יוחנן בן זכאי וכו'. תנו רבנן: פעם אחת חל ראש השנה להיות בשבת, והיו כל הערים מתכנסין. אמר להם רבן יוחנן בן זכאי לבני בתירה: נתקע. אמרו לו: נדון. (רש"י - אם יש לגזור אף במקום בית דין, שמא יטלנו.) אמר להם: נתקע ואחר כך נדון. לאחר שתקעו אמרו לו: נדון! אמר להם: כבר נשמעה קרן ביבנה, ואין משיבין לאחר מעשה. (רש"י - גנאי הוא שנושא לעז טועים על עצמנו.)

ראש השנה כט:

Rabban Yochanan ben Zakkai enforced²⁴ the blowing of the shofar on Shabbat in Yavne.

20. כי אתא רב יצחק בר יוסף אמר: כי מסיים שליחא דציבורא תקיעה ביבנה לא שמע איניש קל אוניה מקל תקועיא דיחידאי. (רש"י - ואף ביום טוב שחל להיות בשבת, דלהכי נקט יבנה.)

ראש השנה ל.

In Yavne, in front of the Sanhedrin, all individuals blew their shofarot together, even on Shabbat!

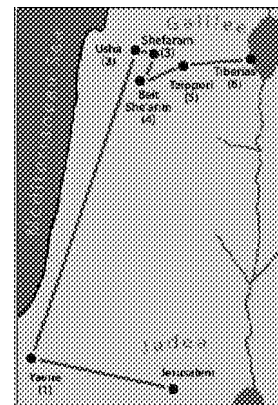
22. The Gemara interprets the phrases used in the Mishna as follows: *roeh* - excludes neighboring villages which were situated in a valley, *shoma'at* excludes those on a neighboring hill-top, *kerova* excludes those beyond the *techum*, and *yechola lavo* excludes those separated by a river.

23. We have followed the approach of the Ritva and Maharsha.

24. This is based on a principle in Eruvin 67b which states that where the students are concerned that there may be a mistake in a Torah law the debate must take place before the decision, but if it concerns a Rabbinic law (as here) the debate should follow the decision.

C5] THE THREE OPINIONS IN THE MISHNA CONCERNING THE YAVNE PERIOD

The Sanhedrin functioned throughout Jewish history, including throughout the First and Second Temple periods and was based in the Temple complex. 40 years prior to the destruction of the Second Temple, the Sanhedrin left its home and began a period of exile, first within Jerusalem and then, following the Churban, to other parts of Eretz Yisrael. It moved first to Yavne, then Usha, back to Yavne, again to Usha, to Shefaram, Beth Shearim, Tzipori and finally, in around 200 CE to Tiberias. Its power waned over the subsequent years under increasing pressure from the Roman Byzantine authorities until it was eventually abolished by the Romans in 425 CE.²⁵



21. אמר רבי אלעזר: לא התקין רבן יוחנן בן זכאי אלא ביבנה בלבד. אמרו לו: אחד יבנה ואחד כל מקום שיש בו בית דין. אמרו לו היינו תנא קמא! איכא בינייהו בי דינא דאקראי (רש"י – לתנא קמא תקעין. ותנא ד'אמרו לו' סבר אחד יבנה ואחד כל מקום שיש בו בית דין קבוע, דומיא דיבנה).

ראש השנה ל.

The Mishna recorded three opinions on where/when the shofar was blown in the Yavne period: Tanna Kama - in front of any Beit Din; Rabbi Eliezer - only in Yavne; a third opinion - in front of any Beit Din. The Gemara asks that the third opinion appears to be the same as the Tanna Kama (which cannot be the case since it is brought as an alternative opinion.) It answers that, according to the third opinion, only a permanent Beit Din would qualify.

• The Rishonim differ as to how to interpret these opinions:

- **Rashi:** Tanna Kama - shofar is blown on Shabbat before a lesser Beit Din of 23 and even in a temporary location.
R. Eliezer - shofar is blown on Shabbat only before a Sanhedrin of 71, even if not in Yavne²⁶.
3rd opinion - shofar is blown on Shabbat before a lesser Beit Din of 23 but only in a permanent location.
- **Ritva**²⁷: Tanna Kama - shofar is blown on Shabbat before a full Sanhedrin of 71, even in a temporary location.
R. Eliezer - shofar is blown on Shabbat only before the full Sanhedrin of 71 in Yavne, not other locations.
3rd opinion - shofar is blown on Shabbat before a full Sanhedrin of 71, but only in its permanent location.

22. גמ' במקדש היו תוקעין אבל לא במדינה. מאי טעמא? אמר רבה הכל חייבין בתקיעת שופר ואין הכל בקיאים בתקיעת שופר - גזירה שמא יטלנו בידו וילך אצל בקי ללמוד ויעבירו ארבע אמות ברשות הרבים, והיינו טעמיה דלולב והיינו טעמיה דמגילה. משחרב בית המקדש וכו': אמר רב הונא (ל) ועם ב"ד מאי 'עם בית דין'? בפני ב"ד, לאפוקי שלא בפני בית דין דלא. איתמר נמי א"ר חייא בר גמא אמר רבי יוסי בן שאול אמר רבי אין תוקעין אלא כל זמן שבית דין יושבין.

ר"ף ראש השנה ח.

23. ונראה מהרצ אלפסי ז"ל שהביא מימרות הללו כהלכות שחזר סובר דלא צעין צ"ד סמוך

ר"ן (על הר"ף) שם

The Rif quotes these halachot of blowing before Beit Din, from which the Ran (and other commentators) explain that the Rif must understand these halachot to be applicable today, even when we do not have dayanim with real semicha.

- **Rif:** Tanna Kama - shofar is blown on Shabbat before a Beit Din, even of 3, even without semicha, but only a 'beit din chashuv'²⁸.
R. Eliezer - shofar is blown on Shabbat only before the full Sanhedrin of 71 in any location.
3rd opinion - shofar is blown on Shabbat even before a Beit Din of 3 judges, but only with true semicha.

24. ועל זה סמך רבינו הגדול ז"ל עד שטעה מעשה בדבר כמו שידוע ממנו ומלוי צתשובת תלמידיו שהיו תוקעין צבית דינו צר"ה שחל להיות בשבת

מלחמת ה' על הר"ף שם

The Ramban reports that it was well documented that the Rif (11th century) would convene a Beit Din in North Africa and blow shofar on Shabbat!

25. For a good summary of the history of the Sanhedrin and attempts in modern times to re-establish it, see www.thesanhedrin.org/en/index.php?title=Historical_Overview.

26. According to Rashi, when R. Eliezer rules 'only in Yavne' this means the location of the full Sanhedrin which moved around Israel.

27. The Ritva attributes this position to Rashi but it does not appear in the Rashi we have.

28. According to the Rif, this is the meaning of 'akrai'.

25. אמרו עליו על רב אלפס ז"ל שהיה תוקע בר"ה שחל להיות בשבת. וכן משמע בהלכותיו שהביא מימרח דרב הונא ועס ז"ד ואין דרכו להביא אלא דבר הנוכח בזמן הזה. והוא היה מפרש כל מקום שיש בו בית דין לאו דוקא סנהדרין אלא בית דין מופלג וגדול בדורו. ולא נהגו תלמידיו אחריו לעשות כן.

ראש מסכת ראש השנה פרק ד סימן א

The Rosh also records the custom of the Rif to blow shofar on Shabbat before a Beit Din chashuv, but states that even the Rif's own talmidim did not follow him in this respect.

- The Ritva writes that he is unaware of any community that blew shofar on Shabbat. However, Rabbeinu Manoach²⁹ quotes the Ba'al Ha'eizer who states that in Damascus they did blow shofar on Shabbat before a beit din³⁰.

C6] THE HALACHA TODAY

26. ובזמן הזה שחרב המקדש כל מקום שיש בו בית דין קבוע והוא שיהיה סמוך בארץ ישראל תוקעין בו בשבת. ואין תוקעין בשבת אלא בבית דין שקידשו את החדש אבל שאר בתי דינים אין תוקעין בהן אף על פי שהן סמוכין ולמה תוקעין בפני בית דין? מפני שבית דין זריזין הן ולא יבאו התוקעין להעביר השופר בפניהם ברשות הרבים, שבית דין מזהירין את העם ומודיעין אותן.

רמב"ם הלכות שופר וסוכה ולולב פרק ב הלכה ט

The Rambam rules (against the Rif!) that one may only blow shofar today on Shabbat before a Beit Din will full semicha and who also sanctify the new month. This renders it impossible in our times.

27. יום טוב של ר"ה שחל להיות בשבת אין תוקעין בשופר. כגה: ואסור לטלטלו אם לא לזורך גופו ומקומו.

שולחן ערוך אורח חיים הלכות ראש השנה סימן תקפח סעיף ה

The Shulchan Aruch rules that the shofar is not blown on Shabbat in our times.

D] MODERN APPLICATIONS - THE CASE OF RAV SCHLESINGER

- In 1904 and 1905 Rosh Hashana fell on Shabbat two years in a row³¹. Rav Akiva Yosef Schlesinger³² launched a campaign³³ to persuade the gedolim to allow the shofar to be blown in front of a Beit Din in Yerushalayim.

- His arguments included:

- (i) That the Old City of Yerushalayim was considered to be 'Mikdash' according to the Rambam, and it was permitted to blow shofar there on Shabbat in all circumstances³⁴.
- (ii) The custom is to follow the Rif on the issue of keeping two days of Rosh Hashana in Israel, which causes the loss of a Torah mitzva (tefillin) on the second day. So why should we not be consistent and also follow the Rif to permit the blowing of shofar on Shabbat before a Beit Din Chashuv!?
- (iii) There was no reshut harabbim in Yerushalayim in his time.
- (iv) Mordechai and Esther had overridden Pesach with a fast day to save the Jews. So too, overriding a rabbinic prohibition and blowing shofar was essential, even on Shabbat, to save the Jews of Russia at the time.
- (iii) He proposed to convene a Beit Din of 23 representing the Sefardic and Ashkenazi communities in the Churva Synagogue. This would constitute a 'Beit Din Chashuv'.

- According to Rav Schlesinger, the project received the blessing of both Rav Shmuel Salant and Rav Eliyahu David Rabinovitz-Teomim (the Aderet)³⁵.

29. 13th century Provence. This detail and much of the historical information in this shiur is taken from a fascinating article - *Shofar on Shabbat*, by Ari Zivitsky and Ari Greenspan - <https://halachicadventures.com/wp-content/uploads/2009/09/Shofar-on-shabbat.pdf>

30. In the Cairo Geneiza a letter was found dated 1162 and written by the head of the Babylonian Jewish community to the Jews of Eretz Yisrael. The letter warns that anyone who blows the shofar on Shabbat, even in a 'beit vaad', is desecrating Shabbat. A piyut was also discovered in the Geneiza stating that shofar was blown on Shabbat before a Beit Din, but it was not held by hand. Rather, it was tied to a pillar in the synagogue and blown from there. Clearly, this was a controversial issue of the time!

31. This is relatively rare. It has happened since then in 1928/9, 1931/2, 1975/6, 1999/2000 and 2002/3. It occurs this year 2026 and 2027, and then in 2053/4.

32. (1837-1922) and author of the Lev Ivri, a commentary on the will of the Chatam Sofer. Rabbi Schlesinger was a close talmid of the Sofer family and popularized the now famous comment attributed to the Chatam Sofer - 'chadash assur min haTorah'. Rav Schlesinger moved to Eretz Yisrael in 1870 and was a highly controversial figure. One of his positions was to champion the use of the Radzhiner techelet. This proved to be so controversial that R. Heschel Meshel Gelbstein, a Kotzker Chassid, walked into Rav Schlesinger's minyan, ripped off his talit and publicly burned the tzitzit on the roof of the Churva synagogue! At one stage Rav Schlesinger had to run from Yerushalayim due to his detractors and fled to Petach Tikva to assist in its foundation in 1878.

33. Rav Schlesinger had already raised these arguments 30 years earlier in the 1870s but they became more pressing when Rosh Hashana fell on Shabbat two years running.

34. This assumes that the Rambam would still designate Yerushalayim as 'Mikdash', even when there was no longer a Temple in place.

35. Rav Yechiel Michel Tukaczinsky later reported that the Aderet was very sick at the time and believed that he would not survive to hear another Torah fulfillment of the mitzva of

- However, in the end it did not receive sufficient public backing³⁶ and did not take place. However, the rumor circulated that Rav Schlesinger rose early in the morning, closed his windows and blew shofar in his home on Shabbat Rosh Hashana!

28. A group of worshipers, some of them from New Sanhedrin, a group headed by Rabbi Adin Steinsaltz that sees itself as the successor to the original Sanhedrin (religious court that ruled ancient Israel), violated Jewish law by blowing the shofar on Shabbat during Rosh Hashana services.
- The services were held at the Beit Habehira yeshiva in Jerusalem's Old City. Current Jewish law forbids the blowing of the shofar on the Sabbath, for fear of violating the prohibition against carrying objects in public. The same law prohibits carrying the lulav on the Shabbat of the Sukkot holiday and reading the Purim Megilla when the holiday falls on the Sabbath.
- Rabbi Akiva Yosef Schlesinger blew the shofar on Shabbat 101 years ago, but did so almost clandestinely out of fear of ultra-Orthodox zealots in Jerusalem. Schlesinger was a Zionist Haredi who believed that blowing the shofar on Shabbat would halt the spread of the pogroms in Russia. Some researchers claim his initiative earned the silent approval of Jerusalem chief rabbis Rabbi Shmuel Salant, Rabbi Elijah David Rabinowitz-Teomim and Rabbi Yaakov Shaul Elyashar.
- One of the people behind Saturday's shofar-blowing was Prof. Hillel Weiss of Elkana, a major figure in the movement to establish a Third Temple in Jerusalem. A press release issued before Rosh Hashana by the planners said that, "Now, when we are facing the war of Gog and Magog (the apocalyptic war described in the Book of Ezekiel), shall we not postpone the decree ... by sounding the shofar?"
- Weiss published an article in Bar-Ilan University's weekly Torah study pamphlet in which he cited Jewish sources implying that the shofar was blown on Rosh Hashana when the holiday fell on Shabbat even after the destruction of the Temple.
- Most of the worshipers at the Saturday services were ultra-Orthodox. Rabbi Zvi Idan, the first president of New Sanhedrin, attended.

Ha'aretz, Nadav Sharagi 9/25/2006³⁷

E] HALACHIC IMPLICATIONS - DOES LISTENING TO SHOFAR ON SHABBAT FULFILL THE MITZVA?

- As discussed above, some Gedolim apparently told Rav Schlesinger that if he blew on Shabbat Rosh Hashana they would not attend (since they could not endorse the ceremony) but they would stand behind a wall to listen in order to do the mitzva?
- Would they in fact perform a mitzva if it were performed in a manner that the Rabbis prohibited? Does the rubric imposed by the Rabbis now define the parameters of the Torah mitzva, or can the Torah mitzva survive independently of the Rabbinic prohibition?

29. **משנה.** מי שהיה ראשו ורובו בסוכה ושולחנו בתוך הבית - בית שמאי פוסלין ובית הלל מכשירין. אמרו להם בית הלל לבית שמאי: לא כך היה מעשה, שהלכו זקני בית שמאי וזקני בית הלל לבקר את רבי יוחנן בן החורנית. ומצאוהו שהיה יושב ראשו ורובו בסוכה ושולחנו בתוך הבית ולא אמרו לו דבר! אמרו להם בית שמאי: משם ראינו? אף הם אמרו לו: אם כן היית נוהג - לא קיימת מצות סוכה מימך!

משנה מסכת סוכה פרק ב משנה ז

Beit Shamai rules that a succa is not valid if one's table was positioned outside the succa, in case the person leaned over to eat outside the succa. The halacha is in fact in accordance with Beit Shamai, who state that someone who sits in such a rabbinically prohibited succa has 'not fulfilled the mitzva of succa'.

30. קאמרי לא קיימת מלכות סוכה מימך - דאפי' מדאורייתא לא קיים ומדבית שמאי נשמע לז"ב.

תוספות סוכה ג. ד"ה דאמר לך

Tosafot understand that where Chazal impose a rabbinic prohibition, one will not even fulfill the Torah mitzva!

31. **אמרו לו אם כן היית נוהג לא קיימת מצות סוכה מימך.** לאו דוקא - דהא מדרבנן הוא דמיתסר שמא ימשך אחר שולחנו. אלא הכי קאמר: לא קיימת מלכות סוכה כראוי וכרצון חכמים, וכדתנן צפרק ערבי פסחים [קטז]: כל מי שלא אמר שלשה דברים אלו צפסח לא ילא ידי חובתו - כלומר שלא קיים מלכות כראוי.

ר"ן (על הר"ף) סוכה יב

The Ran disagrees and rules that one would fulfil the Torah mitzva EVEN if they did so in a manner that the rabbis prohibited. The person would not however have fulfilled the mitzva in its proper manner according to the rabbis.

shofar. Indeed, he died in March 1905. Rav Shmuel Salant was also bedridden at that time. It is reported that both the Aderet and Rav Salant said that if Rav Schlesinger blew the shofar on Shabbat, they would not attend, but would stand behind a wall to hear the shofar!!

36. Opposition came in particular from the 'kollelim', a group of local originations which supported not only men in full time learning but also the wider community. Rav Schlesinger was a known opponent of the 'kollelim system' established at that time. For more on his life, his proto-Zionism and the politics of the time, see <https://seforimblog.com/2006/09/r-akiva-yosef-schlesinger-tikka/> and <https://halachicadventures.com/wp-content/uploads/2009/09/Shofar-on-shabbat.pdf>

37. I was unable to find the original Ha'aretz article and took this from another source sheet. As such, aside from the inevitable inaccuracies built into the original article (!) one should verify that this was the original wording.

• In the case of shofar on Shabbat, halachic implications may include:

(i) whether a person should go to listen if someone blows on Shabbat. Is the person blowing considered a 'bar chiyuv'?

(ii) whether another shehechyanu would be needed on day 2 if one was made on Shabbat (day 1)³⁸.

• The Avnei Nezer³⁹ and R. Akiva Eiger⁴⁰ ruled that one WOULD fulfil a Torah mitzva by hearing shofar blown on Shabbat in front of a Beit Din Chashuv.

• Many later authorities ask how this could fit with the principle Tosafot set out above⁴¹.

F] HASHKAFIC IMPLICATIONS - HOW CAN WE MISS SHOFAR FOR A WHOLE YEAR!?

32. (ו) עֲלֵה אֶל-הַיָּם בְּתַרְוָעָה ה' בְּקוֹל שׁוֹפָר.

תהלים מזור

Shofar has the power to convert the middat hadin of Elokim to the middat harachamim of Hashem⁴².

33. ואמר רבי יצחק: כל שנה שאין תוקעין לה בתחלתה - מריעין לה בסופה. מאי טעמא - דלא איערבב שטן.

ראש השנה טז:

Chazal state that any year that does not start with the shofar will lack critical protection.

• Many later authorities addressed this issue:

34. שאין תוקעין בתחלתה - מפרש בהלכות גדולות לאו דמיקלט בשבתא חלא דאיתיליד חונסא.

תוספות שם ד"ה שאין תוקעין

Tosafot quote the Behag as saying that this does NOT apply when Rosh Hashana falls on Shabbat. The Abudarham writes that we can trust Chazal not to put the Jewish people in danger.

• R. Meir Simcha of Dvinsk writes that our shemirat Shabbat, which prevents us from blowing the shofar, even in the face of such spiritual self-sacrifice, will be the source of our merit for that year.

• Rav Yehuda Amital writes that the merit of our loyalty to Chazal and the halachic process will be our great source of merit.⁴³

• The Kabbalists⁴⁴ explain that blowing the shofar when Rosh Hashana falls on Shabbat is not necessary because the holiness normally achieved by blowing the shofar is largely achieved through the intrinsic holiness of Shabbat. Even though the shofar blasts would add even more holiness, this would be such an exalted plane that it would be almost impossible for us to perceive or absorb it. However, in the place of the Temple and Sanhedrin, people were able to absorb it and, therefore, the shofar was blown in those places even on Shabbat.

38. It may be that the shehechyanu on the 1st day is invalid according to ALL opinions since the rabbis created the beracha and they determined that there was no mitzva on 1st day.

39. Shu't Avnei Nezer YD 141.

40. Drush Vechiddush Ma'aracha 8.

41. See <https://www.yutorah.org/lectures/1006627/Rosh-Hashana-Shiur-13Shofar-on-Shabbos>. R. Asher Weiss has a detailed analysis of this in Minchat Asher on the Moadim and distinguishes between difference types of rabbinic mitzvot for which these principles may apply in different ways. In the case of a Rabbinic Gezeira, a person who performs a mitzva in breach of the rabbinic requirements will not even fulfill the mitzva on a Torah level. But in the case of an independent Rabbinic Mitzva (such as kiddush on a cup of wine) the Torah mitzva will survive independently of the rabbinic mitzva. Also, Rav Weiss suggests that even in the world of gezeirot some areas of halacha may be stricter than others.

42. See Pesikta de-Rav Kahana 23:3.

43. See R. Moshe Taragin in <https://www.yutorah.org/lectures/1073521/Teshuvah-Thoughts-of-Rav-Amital-Part-8--Rabbinic-Authority-as-the-%22Shabbat-Shofar%22>.

44. See R. Shneur Zalman of Liadi, Likutei Torah, Devarim 56ff.