

Shomei'a Ke'oneh

The Art of *Halachic* Listening

Question: I was recently at someone's Shabbos table, and he made the *bracha* of *hamotzi* over the *challah* for all of us, who were *yotzai* through listening. Unfortunately, the host got distracted and started talking before he ate any *challah*. I know that the *bracha* was not effective for him, since he interrupted between the *bracha* and the eating. My question is, could we still rely on that *bracha*? After all, we didn't interrupt! If so, it would turn out that the *bracha* worked for us, the listeners, even though it didn't work for the one who actually made it. Is this possible?

1. The Source

It is well known that in *mitzvos* performed through speech, it is sufficient to listen to someone else saying the relevant *bracha* or passage in order to be *yotzai* through his recitation. This happens regularly at a Shabbos table, where people listen to the one making *kiddush* (a *mitzva* to speak about the Shabbos) and the *bracha* of *hamotzi* over bread. This concept is called *shomei'a ke'oneh* – one who hears is like one who responds.

The Gemara¹ demonstrates this principle by referring to a passage in Nevi'im² where a letter was read to King Yoshiyahu by one of his attendants called Shafan, yet the *pasuk* subsequently refers to the letter as, "the one that the king read." This is an illustration of the concept of *shomei'a ke'oneh*, i.e., that by listening to Shafan reading the letter, it was considered as if the king read it himself.³

Of course, we need to ask: How does this work? If a person has a *mitzva* to *say* something, how does the concept of *shomei'a ke'oneh* make it sufficient for him to *listen*?

2. The *Davener's* Dilemma

Rashi⁴ provides us with an interesting application of the concept of *shomei'a ke'oneh*. If one is in the middle of *shemoneh esrei* and the *chazzan* reaches *kedusha*, what should he do? The Gemara states elsewhere⁵ that one may not interrupt *shemoneh esrei* for any reason, even to answer *kedusha*. However, says Rashi, all is not lost. When the congregation reaches *kedusha*, he should

¹ Succah 38b.

² Melachim 2, 23:16.

³ Note: This verse is chosen by the Gemara to *illustrate* the concept, but it is not the *source*. It is known that *shomei'a ke'oneh* works even for *mitzvos* that are *min hatorah*, and a *navi* cannot innovate a *din* Torah! Rather, this is an example of a *halacha* which was known through the Oral Law from the time of the giving of the Torah and which was subsequently expressed in written form in one of the books of Nevi'im, see e.g., Taanis 17b.

⁴ Succah *ibid*.

⁵ Brachos 21b.

stop and listen. That way he can fulfill his obligation of answering *kedusha* through *shomei'a ke'oneh*.

The Tosafos⁶ mentions this Rashi and then proceeds to quote two of the Baalei Hatosafos, Rabbeinu Tam and the Ri, who both say, "Do not do this!" Before explaining *why* this wouldn't work, they adduce a proof from the Gemara that stopping and listening to *kedusha* is not an option. Here is the proof:

The Gemara⁷ says that if a person enters *shul* while the congregation is already saying *shemoneh esrei*, he needs to gauge whether or not he will be able to start and finish before the *chazzan* will reach *kedusha*. If he cannot finish in time, he should not start.

- What is the proof Rabbeinu Tam and the Ri are seeking to bring from this Gemara?

It seems clear from the Gemara that pausing and listening during *shemoneh esrei* is not a way to fulfill the answering of *kedusha*. If it was, why can he not start even if he won't finish by *kedusha*? Let him begin his *shemoneh esrei* and pause and listen wherever he is when the time comes!

Having established that listening will not work, Rabbeinu Tam proceeds to explain why not. The principle of *shomei'a ke'oneh* states that by listening it is considered as if one is responding. If that is the case, then listening during *shemoneh esrei* will be the equivalent of actually having answered the *kedusha*, which is a forbidden interruption!

The Tosafos does proceed to offer a defense on Rashi's behalf. Namely, although one *can* fulfill answering *kedusha* through listening, it is nonetheless *preferable* to answer verbally, so much so that it is better to delay starting *shemoneh esrei* in order to do so.⁸

Apparently, whereas Rabbeinu Tam considered listening to *kedusha* through *shomei'a ke'oneh* to be the equivalent of verbally responding, Rashi did not.⁹

What is at the root of their dispute?

3. *Shomei'a Ke'oneh for Bircas Kohanim?*

The Beis Halevi¹⁰ discusses a most fascinating question. Would it be possible to fulfill the *mitzva* of *bircas kohanim* (the priestly blessing) via *shomei'a ke'oneh*? Namely, when all the *kohanim* ascend to the *duchan* to bless the people, instead of all of them reciting the verses of blessing,

⁶ Brachos ibid. s.v. *ad*.

⁷ Ibid.

⁸ Indeed, the Tosafos concludes that **the accepted** practice is in accordance with Rashi's view, and this is the ruling of the Shulchan Aruch Orach Chaim 104:7.

⁹ See also Rambam Hilchos Brachos 1:11, with Kesef Mishneh.

¹⁰ End of Sefer Bereishis.

could only one of them say the *brachos* and his fellow *kohanim* fulfill their obligation by listening to him?

The Beis Halevi concludes that in this case *shomei'a ke'oneh* would not work. The reason for this is that *bircas kohanim* has a specific requirement that it be said in a voice that is audible to others (*kol ram*).¹¹ The mechanism of *shomei'a ke'oneh* may well be the equivalent of speech, says the Beis Halevi, but it is surely no more than *inaudible* speech. Even if the *kohein* is considered to be speaking, the fact remains that no one can hear him, and that is not sufficient for this *mitzva*.

It is interesting to note that a contemporary of the Beis Halevi, Rav Betzalel Hakohein of Vilna, writes¹² that when he visited the community of Trieste in Italy, they honored him with being the *kohein* to be *motzi* all the other *kohanim* in the *brachos*!¹³

What is at the root of this question? What would be the response of the rabbis of Trieste to the argument of the Beis Halevi that the other *kohanim* are not speaking aloud as required for this *mitzva*?

4. Active Listening – Understanding *Shomei'a Ke'oneh*

In order to answer the above questions, we will need to try and fathom the workings of this concept called *shomei'a ke'oneh*, whereby a *mitzva* that should have to be fulfilled verbally can be fulfilled through listening to someone else. Let us consider two possibilities:

1. *Halachic* Speech. It is possible that *shomei'a ke'oneh* is telling us that listening to someone else saying a *bracha* or fulfilling a verbal *mitzva*, for example *kiddush*, is *halachically* considered to be speaking. There are various other cases mentioned throughout the Gemara of things which are not verbal, but which nonetheless have the status of speech. There is an opinion, for example, that *hirhur kedibur* – thought is the equivalent of speech.¹⁴ There are also those who say that writing something is the equivalent of expressing it verbally.¹⁵ So too, it may be that *shomei'a ke'oneh* tells us that listening to someone else perform a *mitzva* through speaking is considered as if one said the words himself.
2. A Listening Connection. It is possible that listening itself is not considered to be like speaking. The only one considered to be speaking is the one who actually is. How, then, does listening help one fulfill his obligation? By listening to the one who is speaking he establishes a connection to him, so he is able to fulfill his *mitzva through him*. According

¹¹ See Sotah 38a.

¹² Teshuvos Reishis Bikurim no. 4.

¹³ There are those who agree with the ruling of the Beis Halevi that *shomei'a ke'oneh* would not work in *bircas kohanim*, but for other reasons, see e.g., Teshuvos Meishiv Davar of the Netziv 1:47.

¹⁴ Brachos 20b.

¹⁵ See e.g., Teshuvos R' Akiva Eiger 1:33-34.

to this understanding, *shomei'a ke'oneh* emerges as a type of *shlichus* – which allows one to use someone else's actions for his own purposes.¹⁶

- How can these possibilities help explain the different views regarding using *shomei'a ke'oneh* for *bircas kohanim*?

If *shomei'a ke'oneh* bestows the status of speech on the “act” of listening, then presumably it cannot become any more than what it is – silent speech; for even after the “conversion” of listening into speech, it remains inaudible. This is the opinion of the Beis Halevi.¹⁷ On the other hand, if *shomei'a ke'oneh* connects the listener to the one who is speaking, allowing him to fulfill the *mitzva* through him, then presumably the listener partakes of the way the speaker is speaking; and if it works for him – it works for the listener! This was the basis of the custom in Trieste.

- How will this question help us understand the dispute between Rashi and Rabbeinu Tam regarding listening to *kedusha* during *shemoneh esrei*?

If *shomei'a ke'oneh* allows listening to be considered the *halachic* equivalent of speech, then it will be as unacceptable for someone to invoke *shomei'a ke'oneh* during *shemoneh esrei* as if he actually interrupted verbally. This is the opinion of Rabbeinu Tam.

However, if *shomei'a ke'oneh* is not looked upon as speaking, but rather as connecting the listener to the one who is speaking and through him fulfilling his obligation, then there is no reason not to do this even at a time when he himself is not allowed to speak. This is the opinion of Rashi.¹⁸

5. A Proof from Purim

The Chazon Ish¹⁹ discusses the two explanations mentioned above as to how *shomei'a ke'oneh* works and concludes that the first cannot be correct. His proof is from the *mitzva* of reading the *megillah* on Purim. As we know, although everyone is obligated in this *mitzva*, it is possible for one person to read and for others to fulfill their obligation through listening – *shomei'a ke'oneh*. So far this doesn't sound that unusual. The problem is that one of the *halachos* of *megillah* states that one only fulfills the *mitzva* by reading *from the megillah*. If one were to recite the full text of the *megillah* orally (*baal peh*), he would not fulfill his obligation. Now, if we say that *shomei'a ke'oneh* has the effect of “converting” the hearing into speaking, then the listener may well be considered as saying the words of the *megillah*, but he is saying them *baal peh*! It is only

¹⁶ See chapter on *shlichus*. It should be noted that even if *shomei'a ke'oneh* is a branch of *shlichus*, it is not typical of *shlichus* in every way. For example, when one makes a *shaliach*, he does not need to witness the act performed on his behalf in order for it to work for him, yet *shomei'a ke'oneh* requires him to be there and listen to the one who is speaking. In any event, this application of *shlichus* is exceptional, for as a rule *shlichus* does not work regarding *mitzvos* that the Torah told the person himself to do, as discussed in the above mentioned chapter.

¹⁷ See also Hamoadim Bahalacha p. 241 quoting the Rogatchover Gaon.

¹⁸ See Mishnas Yaavetz Orach Chaim sec. 26.

¹⁹ Orach Chaim sec. 29 (par. 1-3).

if we say that *shomei'a ke'oneh* has the effect of connecting the listener to the speaker and fulfilling the obligation through him can we understand how *shomei'a ke'oneh* could work for *megillah* reading. By listening to the one who *is* reading from the *megillah*, even those who are not reading fulfill their obligation.²⁰

6. Beis Halevi Revisited

There are those who say that the Beis Halevi would certainly agree with the above proof from *megillah* reading. *Shomei'a ke'oneh* indeed allows one to partake, not only of what the speaker is saying, but also the way that he is saying it (e.g., reading from a *megillah*). If this is so, then why did he disqualify using *shomei'a ke'oneh* for *bircas kohanim* based on the objection that the listener isn't speaking loudly? He is listening to a *kohein* who *is* speaking loudly and fulfilling the obligation through him!

Some sources explain that the problem which the Beis Halevi was highlighting is that *shomei'a ke'oneh* only works for *mitzvos* where there is an obligation to say or read something. This is the case for most *mitzvos* involving speech, where there is no obligation to say the contents of the *mitzva* to someone else. For these *mitzvos*, a person may employ *shomei'a ke'oneh* to fulfill his obligation via listening. *Bircas kohanim* is different because it requires the *kohein* to say something to *someone else*. As such, they need to *hear him* in order for him to fulfill the *mitzva*. To this end, *shomei'a ke'oneh* will not help, for the *kohein's* act of listening isn't audible to someone else. It is the fact that another person must hear what is being said which places the *mitzva* beyond the scope of *shomei'a ke'oneh*.²¹

With the above proof from *megillah* in mind, we must also return to Rabbeinu Tam, who said that one should not pause to hear *kedusha* during *shemoneh esrei*. Our understanding so far is that his opinion is that the listener is fulfilling the *mitzva* independently, through the *halachically* generated speech that his listening provided him with. That speech will constitute a *hefsek* in his *davening*. However, the proof from *megillah* seems to indicate that he is fulfilling the *mitzva* via the one who is reading, using him as a kind of *shaliach*. Why, then, can this not be done during *shemoneh esrei*?

The answer may lie in how Rabbeinu Tam views the concept of *shlichus*. In our chapter on the subject, we saw how opinions differ. When one makes a *shaliach*, is the sender considered to be

²⁰ See there for further proofs in this matter. See also Teshuvos Har Tzvi Orach Chaim 1:57, who adduces additional proof from the source of this *halacha* itself as cited by the Gemara (above sec. 1), which refers to King Yoshiyahu as having *read* the letter that he heard from Shafan. That is to say, he is not considered merely to have recited its contents, but to have read the letter itself. See also further in that *teshuva* where the Har Tzvi discusses possible responses to the proofs of the Chazon Ish.

²¹ Har Tzvi *ibid.*, Emek Bracha "*nesias kapayim*" sec. 5. See also Moadim U'zmanim vol. 7 sec. 232. Further confirmation that this is the problem of the Beis Halevi is that if he considered *shomei'a ke'oneh* as giving one the equivalent of muted speech even regarding *mitzvos* that he alone needs to hear, then *shomei'a ke'oneh* could never be used *lechatchila* for *any mitzva*. Words that are spoken inaudibly, even when one is only saying them to himself, are acceptable only *bedi'aved*! Yet, as we know, people rely on *shomei'a ke'oneh* all the time. It must be that even the Beis Halevi concurs that if all one needs to do is speak, then he can fulfill the *mitzva lechatchila* by hearing someone else.

doing the act that the *shaliach* is performing on his behalf, or is he merely *acquiring the results* of that action? If Rabbeinu Tam understands that *shlichus* is considered as if the sender did the act, then here too in the case of *shomei'a ke'oneh* it is considered as if he is talking. This would constitute an interruption of his *shemoneh esrei*.

7. Cutting and Pasting – Further Questions

The standard application of *shomei'a ke'oneh* is for a person to hear someone else's words to fulfill a *mitzva* in which they are both obligated, e.g., *kiddush* on Friday night where both the one saying *kiddush* and the one listening fulfill the *mitzva* of *kiddush*. Let us pose an interesting question: Would it be possible for someone to use the words in a way that the one saying them does not intend them?

The Mishna Berura²² discusses the *bracha* of *shehecheyanu* recited on Purim morning prior to reading the *megillah*. He quotes certain *poskim* who say that one should have in mind not only the reading of the *megillah*, but also the other *mitzvos* of the day, i.e., *mishloach manos*, *matanos la'evyonim* and the *seuda*. He then adds that the one reciting the *bracha*, the *baal koreh*, should be aware that he is including the other *mitzvos* in the *bracha*, for if he doesn't have these additional *mitzvos* in mind when he recites the *bracha*, none of those listening to him can use it to include them.

- Does this ruling seem to take a certain side in the understanding of *shomei'a ke'oneh*?

If *shomei'a ke'oneh* means relating to hearing as a form of speech, then presumably one can invest the words with whatever intentions he wants, even if they were not part of the speaker's intent. Essentially, it should be no different than if he repeated them word for word after the speaker. Once the words are his, he can use them for his individual purposes. But if we say that *shomei'a ke'oneh* serves to connect the listener to the one who is speaking and allows him to fulfill the *mitzva* through *his* words, then the listener can't use the *bracha* as anything other than the speaker himself intends!

8. Speaking of Unrelated Matters...

The Mishna Berura²³ discusses a very interesting situation relating to *shomei'a ke'oneh*. A guest at someone's Shabbos table generally relies on the host to be *motzi* them in the *bracha* over bread. Now, one is not allowed to interrupt by speaking about unrelated matters between the *bracha* and eating. Indeed, if one does, he has lost the *bracha* and will need to make another one. The question is, what if the one who made the *bracha* spoke afterwards, but his listener did not? The host has certainly forfeited the *bracha*, but can it still work for the guest? The Mishna Berura cites the opinion of *poskim* who say that since the *bracha* didn't work for the host, it cannot work for the guest either.

²² 692:1.

²³ 167:43, and Biur Halacha there s.v. *aval*.

- Would this question depend on the way we understand *shomei'a ke'oneh*?

It would seem that if we say that *shomei'a ke'oneh* means one's hearing has the status of speech, then the guest should not forfeit the *bracha* merely because the host did. The host may have interrupted after his *bracha*, but the guest didn't interrupt after his! But if *shomei'a ke'oneh* is a form of *shlichus* where he fulfills his obligation through the speaker, the guest's status will hinge on whether or not his host did indeed fulfill his obligation.

In truth, it may be that even according to the first approach the guest will have lost his *bracha*. Even if *shomei'a ke'oneh* results in the listener's own independent speech, it does require a *halachically* valid base in order to generate this effect. All agree, for example, that the one being *motzi* has to be above *bar mitzva* age for his words to be used for *shomei'a ke'oneh*. By the same token, once the host has lost his *bracha* and it has become a *bracha levatala* (blessing in vain), it cannot be used as the basis for *shomei'a ke'oneh*.²⁴

²⁴ For further discussions of *shomei'a ke'oneh*, see Kuntresei Shiurim Nedarim *shiur* 1 sec. 22-23 and Minchas Osher Bamidbar sec. 13.