



Adapted from the sefer חמין במוצאי שבת and חדוותא דזעיר אנפין collections of
maamarim

given by the Tolner Rebbe shlita at Seuda Shlishis and Melave Malka

Melave Malka Parshas Nitzavim 5766

The *Rambam* writes in *Hilchos Shofar* (א:ג)

“If someone blew the *tekios* with a stolen *shofar* he has fulfilled his obligation, for the *mitzva* is only to hear the sound, even if the one who hears the sound didn’t touch or pick up (the *shofar*), and the laws of *gezel* - theft, don’t apply to sound.”

The Rambam’s words teach us a great lesson in *avodas Hashem*. When we pay close attention to the Rambam’s choice of terminology, we notice that he presented the *halacha* with the example of a *shofar gazul* as opposed to as *shofar ganuv*. The difference between a *ganav* and a *gazlan* is that the *ganav* steals secretly and stealthily, always hoping that he won’t be seen. The *gazlan* commits robbery in the open, forcefully wresting the item from its rightful owner. He ignores his victim’s cries and appeals for mercy and brutally grabs what he wants without fear of anyone or anything.

We must try to visualize the scenario presented by the Rambam. On *Rosh Hashana*, *Yom Ha’din*, a Jew wants to hear the shofar. Why? Because he trembles with fear and wants to fulfill the *mitzva* of his creator. Not only does he want to hear the sound of the *shofar*, but he also wants to blow the *shofar* himself. (Were this not so, why would he go to the trouble of stealing a *shofar*? He could simply go to his local *shul* and hear the *shofar*).



[1]

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Since he doesn't own a *shofar*, he finds a Jew who owns a *shofar*, attacks and overpowers him, grabs the *shofar* and blows it!

This is certainly a very far-fetched scenario. If the thief truly cares about the *mitzva* of *shofar*, why would he transgress the *aveira D'oraysa* of stealing on *Rosh Hashana* itself? Nonetheless, the Rambam devoted one of the *halachos* in his *Mishna Torah* to the case of this very strange person. Not only did he present and explain the case, but he also even *paskens* that the thief is *yotzei* the *mitzva* of *shofar*. The *Nosei Keilim* of the *Rambam* then go on to delve into his *psak* and the basis for his decision.

This *halacha* teaches us a powerful lesson about how to view each and every Jew. We must understand that even a Jewish thief has a holy *neschama*, a *chelek Eloka Mi'maal* - a portion of G-dliness from above, that yearns to follow Hashem's will. This remains true even when that yearning is expressed in a forbidden manner, such as stealing the *shofar*.

This is a tremendous *limud zechus* for *Bnei Yisrael*. *Chazal* taught, רצונו לעשות רצונך - Deep inside, all Jews say to Hashem, "Our desire is to fulfill your desire, and who prevents us? The שאור שבעיסה - the yeast in the dough," i.e. the *Yetzer Hara*.

The image of "yeast in the dough", represents the *Yetzer Hara's* ability to infiltrate and influence even the way we fulfill a *mitzva*. This teaches us that we should never *chas v'shalom* reject or discount the *avoda* of any Jew. Each and every one of us has a special place in *shamayim*, even someone who seems to simply be a sinful thief.

The Rambam explained that one can fulfill the *mitzva* by hearing the sound of a stolen *shofar* because the *mitzva* is only to hear the sound of the *shofar*, even without touching or picking up the *shofar*. Halachically, sound cannot be stolen.



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The sound of the *shofar* isn't simply a musical tone. The *Zohar Hakadosh* explains that it reminds us of an internal voice hidden so deeply in the Jewish soul that it isn't heard. (קלא פנימאה דלא אישתמע (זח"ב נ:). By telling us that the *mitzva* of *shofar* is fulfilled with the inner voice of the *shofar*, he reminds us of the principal that Hashem taught Shmuel Hanavi, when he tried to determine which of Yishai's sons was to be King. (אל תבט אל מראהו (שמואל א"ט ט"ז:). - Don't look at his appearance.

Sometimes, from the outside, a Jew seems to be so degraded and lowly. He is filthy from his sins and crimes of theft and harming others. Despite it all, within him burns a deep desire to fulfill the *mitzva* of *shofar* not only by hearing its sound, but by actually blowing the *tekios*.

Hashem taught Shmuel Hanavi how to look at a Jew, as the *pasuk* continues, (כי האדם יראה לעינים ה' יראה ללבב - For man sees that which is visible, but Hashem sees within the heart. Despite being burdened with a lowly, physical body, every Jew has a *neschama kedosha* which is a *chelek eloka mi'maal*. The voice of that *neschama* is heard in the highest places. The "outer garments" of a Jew may be stained by his many sins. Nonetheless, Hashem looks to the heart, and when the deeply hidden inner desire of that Jew is revealed, the true magnitude of his *neschama* can be recognized.

This lesson should awaken and inspire each of us to see the good in every Jew.

However, we cannot forget another lesson that we derive from this same *halacha*. Even though a person who hears the sound of a stolen *shofar* fulfills his obligation, he has still transgressed the Torah's commandment forbidding us from stealing. Despite our need to judge him favorably and admire his burning desire for the *mitzva* of *shofar*, he is still a criminal who is *pasul l'eidus* - disqualified from serving as a witness in *Beis Din*.

We also need to internalize this message. A person may be an excellent *Baal Tokeia* who fulfills the *mitzva D'oraysa* with fiery devotion, and yet



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still be a despicable thief. We must take care not only to fulfill the Torah's *mitzvos*, but to fulfill them in the right way.

ובזה נזכה ליכתב וליחתם לחיים טובים בזה יום הדין הבא עלינו לטובה אכי"ר



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