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TUNE OUT: THE OBJECTIONS TO MUSIC IN SHUL

Adapted from the writings of Dayan Yitzhak Grossman

In our previous article, we cited the staunch opposition of the Chasam Sofer and R' Mordechai Banet, published in Eileh Divrei Habris, to the use of musical instruments during davening. We begin this article by citing, from the same work, a remarkably emphatic adherent of this view.

R' YAAKOV LORBERBAUM (THE NESIVOS HAMISHPAT)

I do not see (in the playing of the organ) any element whatsoever of mitzvah, and on the contrary, it is prohibited even during the week, since the opinion of the Rambam and Shulchan Aruch (O.C. 560:3) is that instrumental music is prohibited even not in the context of wine...¹

(Rav Lorberbaum then raises and vigorously rebuts the argument that an alleged mitzvah of engendering joy during davening can override this prohibition.)

With regard to davening, where do we find that

joy during davening is a mitzvah? On the contrary, it is clear and obvious that the primary object of our davening and supplication is atonement for sin...and how can we appear before the King of the world with musical instruments and joy, if we know that we are sinners?!

If people appear before a terrestrial king to beg for their lives due to having sinned against him, and accompanying them is a drum and harp, would not the king's wrath intensify, for joy, what does it accomplish? at a time when with weeping they will come and through supplications² to beg for their souls!⁴ But at a time when they have committed no sin, that is an appropriate time to appear with song and exultation.

So, too, with the Heavenly King: When the Bais Hamikdash stood, and "none lodged in Yerushalayim with sin on their hands," as it is said in Chulin,⁵ there was certainly a mitzvah to rejoice with musical instruments, and so, too,

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¹ A discussion of the various positions of the poskim on the scope and practical applicability of this prohibition is beyond the scope of this article; for comprehensive surveys of this topic, see R' Tuvia Freund, *Beinyan Gzeiras Issur Shmias Kli Shir Bazman Hazeh*, Kovetz Bais Aharon VeYisroel Year 11 Part 1: Issue 4 (64) pp. 103-118 (663-576), Part 2: Issue 5 (65) pp. 95-109 (725-739) and R' Chaim Jachter, *Jewish Perspectives on Music* (5759/1999), Kol Torah Vol. 8, Halachah, Jewish Perspectives on Music (5764/2004), Kol Torah Vol. 13, Halachah (and Torah Passages in Song, Kol Torah Vol. 16, Halachah).

² Koheles 2:2.

³ Yirmiyahu 31:8.

⁴ Esther 7:7.

⁵ I was unable to locate such a statement in Chulin, but it does appear in Tanchuma (Buber) Pinchas 13.

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PLASTIC WRAP

Excerpted and adapted from a shiur by
Rav Moshe Zev Granek

And Hashem created the great sea monsters,
and every living creature that crawls with which
the waters swarmed, according to their kind,
and every winged fowl according to its kind, and
Hashem saw that it was good.

Bereishis 1:21

Contemporary poskim debate whether synthetic garments require tzitzis. According to many, including R' Tzvi Pesach Frank and R' Moshe Sternbuch, they do. But Rav Elyashiv (Kovetz Teshuvos 1:1) cites the Ritva (Shabbos 27b) that in order to be obligated in tzitzis, a garment must be *mekabel tumah* (susceptible to impurity). Because synthetic garments are made from plastic, which comes from petroleum drawn from deep in the earth, and the Mishnah (Keilim 17:13) says that any utensil made from material from the sea is not *mekabel tumah*, oil is not *mekabel tumah*—so synthetic garments are not *chayav* in tzitzis.²

Rav Elyashiv's argument appears to be subject to a *machlokes Acharonim*. According to the Yeshuos Malko, the rule that something from the sea is not *mekabel tumah* applies only to animals, not plants and other items, so oil would be *mekabel tumah*. But the Kli Chemdah (Parshas Bereishis) argues that even plants and other

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¹ Rav Elyashiv assumes that oil that is drawn from the ground is comparable to something from the sea, as both are found beneath the surface of the earth.

² R' Moshe Feinstein argues at length that synthetic materials are exempt from tzitzis for a different reason, because they are more similar to leather, which is not *chayav* in tzitzis.

Creature Comfort

Q With lantern flies now proliferating in central Jersey, my six-year-old and his band of friends have been catching them and dissecting them alive. Am I obligated to stop them?

A One is not obligated to stop children from transgressions, since they are not commanded to fulfill mitzvos. (Still, it is forbidden to directly instruct a child to transgress.) But a man carries the responsibility of *chinuch* for his own child and is obligated to prevent him from transgressing an *aveirah* once he possesses an elementary understanding of it (O.C. 343:1 and Mishnah Brurah).

Tza'ar ba'alei chayim (causing pain to an animal) is prohibited by Torah law (Rama C.M. 272:9). It is widely assumed that the prohibition applies to insects as well, but the Gemara's examples are livestock and other large animals, so the Ya'avetz (110) writes that only domesticable animals are included in the prohibition. Others disagree, and R'

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at the *simchas bais hasho'eivah*, when they drew *ruach hakodesh*⁶ and attained supernal wisdom and prophecy, was joy a mitzvah. But from the day that the Bais Hamikdash was destroyed and *ruach hakodesh* was no more⁷ and prophecy ceased, we have nothing with which to achieve atonement, and all that remains with us is the speech of our lips to confess that which we have sinned regarding our souls,⁸ for there is no man so wholly righteous (on earth that he [always] does good and never sins),⁹ and how can we appear before Him with song and musical instruments? A sinner should not adorn himself, a sinner should not be proud,¹⁰ and we are permitted only to arrange His praise and to pray in the manner of a sinner before a king of flesh and blood, who arranges the praise of the king and subsequently begs for his life with weeping and supplication...¹¹

R' CHAIM PALAGI

The subject of organs in the shul was addressed several decades later, in the year 5620 (1860), by R' Chaim Palagi (at great length; his discussion runs to more than thirty-five pages in the 5757 edition).¹² From a summary:

Rav Palagi also addresses the underlying claim, that music in shul enhances davening. While it is true that music accompanied the sacrifices in the Bais Hamikdash in Yerushalayim in ancient times, Rav Palagi sees in this an argument against using music in contemporary shuls. He asks, when in history did music accompany the shul service? The First Bais Hamikdash was destroyed in Biblical times, but we do not find that any prophets incorporated music into the davening. Nor do we see anything resembling that from the Gemara or *Rishonim*, even though we have plenty of observances designed to commemorate Bais Hamikdash practices.

On the one hand, davening—like all *avodah*—should emerge from happiness. “Serve Hashem with gladness” (Tehillim 100:2). On the other hand, the Mishnah (Brachos 30b) says that we must begin davening with a sense of seriousness (*koved rosh*). One opinion in the Gemara (*ibid.*) learns this from Chanah’s davening, in which she is described as being “of bitter soul” (Shmuel I 1:10). Another learns it from Tehillim 5:8, “I will bow down to Your holy Bais Hamikdash in fear of You.” Another reads Tehillim 29:2 as “Worship Hashem in fear of (*becherdas*, instead of *behadras*) holiness.” The Gemara concludes by deducing it from Tehillim 2:11, “Serve Hashem with fear and rejoice with trembling.”

Which is it? Should davening be recited in joy

or in fear? Rav Palagi answers: both. We should be happy that we have the privilege to speak directly to the King. However, when approaching the King, we do so with fear, awe and tears. The heart is happy, but the eye cries bitterly. Rav Palagi points out that Eliyahu Rabbah (8) says that Chizkiyahu was punished with illness because he davened about Sancheiriv with insufficient fear and submission to Hashem. Therefore, music has no place in davening. Any custom that mixes music with davening must have arisen due to errant chazzanim or wealthy laymen.

Furthermore, so many generations of great rabanim over many centuries have not included musical instruments in their shuls. If music is so necessary for davening, why didn't they use it for this holy purpose? Rav Palagi says that we can only conclude that this approach of using musical instruments in the shul is mistaken.

Therefore, concludes Rav Palagi, we may not change the davening or introduce organs into shuls. And if a kehilah does use an organ, we should try with all our power to get them to stop.¹³

R' YOSEF ZECHARIAH STERN

One final repudiation of the legitimacy of instrumental music in the shul and during davening is by R' Yosef Zechariah (the “*Rav Hazocher*”) Stern of Shavel in the year 5654 (1893), in the context of a discussion of the propriety of conducting weddings in shuls. This practice was heavily debated in the nineteenth century, and often staunchly opposed by traditionalists of that era due to the practice's popularity among the Reformers and assimilationists, among other considerations.¹⁴

Rav Stern's correspondent, R' Chaim Chizkiyahu Medini (the Sdei Chemed), had argued that the practice was problematic since even the non-Jews (“Muslims and Christians, except for Catholics”) “do not bring musicians into their houses of worship”¹⁵ at any time, and when musicians accompanying a bride passed their houses of worship, “they ceased their playing until they passed far from [them],” since to do otherwise would be considered disrespectful. Accordingly, for Jews to hold weddings and play music in shuls would constitute a chillul Hashem.¹⁶

Rav Stern strongly endorses this concern, and after citing various precedents for the idea, he concludes:

And so, too, in our case regarding something (i.e., the playing of music) that they (the non-Jews) consider immoral to do in a place sanctified for praying and beseeching for mercy, and where it is appropriate to avoid anything that brings one to lordliness, as we are directed to stand in a low place, as it is written: “From the depths I called

13. R' Gil Student's summary of the relevant portion of Rav Palagi's analysis in *Against Change: Organs in French Shuls* (Torah Musings).

14. See Shu"t Chasam Sofer E.H. cheilek 1 siman 98; Shemesh Marpei, Shu"t simanim 80-81; Tiferes Yisrael, *Hakdamah leSeder Mo'ed*, Klalei Smachos gzeirah 30 as 2; Shu"t Imrei Eish O.C. simanim 9-10; Shu"t Maharam Schick E.H. siman 87; Shu"t Ksav Sofer E.H. simanim 47 and 106; Shu"t Divrei Malkiel cheilek 5 siman 205; Sdei Chemed cheilek 7 *Ma'areches Chasan VeKallah* as 1 pp. 5-13. Cf. Shu"t Igros Moshe E.H. cheilek 1 siman 93; Shu"t Yaskil Avdi cheilek 6 E.H. siman 1; Shu"t Yabia Omer cheilek 3 E.H. siman 10; Chevel Nachalaso 2149; R' Noam Dir Messels, *Ho'Im Mutar Lehis'chatein BeVais Haknesses?*, Sha'arei Nisui (Brak Brak 5729) pp. 205-10 (I am indebted to my friend R' Moshe Walter for bringing this work to my attention).

15. *תפלת המעבדים*, presumably vocalized as *bais tefilasom* or *bais tiflasom* (their house of vapidly), a play on words from *bais tefilasom* or *bais tefilasom*, (their house of prayer), and a common term for houses of foreign worship.

16. Sdei Chemed *ibid.* p. 7 s.v. *Vezos*.

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Moshe Sternbuch (Teshuvos Vehanhagos 2:726), following their approach, says that only a being whose life is strong and durable is subject to *tza'ar ba'alei chayim*, not fragile insects.

But it is nevertheless wrong to be cruel to insects. R' Moshe Sternbuch quotes the Gemara

(Bava Metzia 85a) that says Rabeinu Hakadosh found his maid sweeping small rodents from the house and stopped her because (Tehillim 145:9) “*verachamav al kol ma'asav*” (His mercy is on all His creations), and we are to emulate the traits of our Creator. Since this is not a full-fledged prohibition, one is not obligated to impose it upon his child.

Interestingly, the Gemara (Shabbos 90b) forbids giving a nonkosher grasshopper to a child to play with because he might eat it. This may seem to apply to lantern flies as well, but the Maharshal (glosses to Rosh, *ibid.* 9:2) comments that this halacha is only applicable when kosher grasshoppers were commonly eaten. Today, since kosher grasshoppers are unknown and never eaten, a child will not become confused and eat a nonkosher insect.

out to You.”¹⁷

And even regarding the *avodas hakorbanos*, the normative view is that “the primary component of song is singing with the mouth, and instrumental music was performed merely to sweeten the sound of the singing,” as in Arachin 11a. Regardless, in davening, which is the service of the heart, there is no place for melodies, but only the utterance of the formula (*nusach*) of the davening with solemnity (*koved rosh*)...

And although in war, when they were victorious, it was their custom to extol (Hashem) even with musical instruments, to inspire the hearts of the people, as is stated in Divrei Hayamim (II 20:21), there is no need to assume that the cymbals and musical instruments were (played) at the same time as the utterance of *Hodu* (laHashem *ki tov ki le'olam chasdo*). Also with regard to the song of Miriam (Shmos 15:20-21), it is possible that the cymbals and drums came before the song. In particular, there is no comparison between songs of praise and prayers of beseeching and supplication, which require solemnity.

In any event, davening in shul with musical instruments is inherently prohibited and constitutes an attitude of pride and throwing off of the yoke, while the opposite is necessary: submissiveness and awe and solemnity. And there is the additional concern of public chillul Hashem, as his excellence has written.¹⁸

17. Tehillim 130:1. Brachos 10b.

18. Shu"t Zeicher Yehosef E.H. (Machon Yerushalayim 5754) siman 50 pp. 189-90. This responsum was previously printed, with numerous variations, in Sdei Chemed *ibid.* p. 7 s.v. *Chazar haRav*.

6. Yerushalmi Sukkah 5:1.

7. See Yoma 21b and Sotah 48b.

8. From Bemidbar 6:1.

9. Koheles 7:20.

10. Rosh Hashanah 26a (our text is *נאמן* *נא*, whereas Rabeinu Chananel has *נאמן*).

11. Eileh Divrei Habris pp. 78-79.

12. Lev Chaim cheilek 2 siman 9.

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materials from the sea are not *mekabel tuma* h ,

because these were created on the fifth day with the sea creatures, and the Mishnah (Keilim 17:14) says that anything created on the fifth day is

not *mekabel tumah*.

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