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ב"ר משה גרוסמן זצ"ל

Dedicated in loving memory of
HaRav Yosef Grossman zt"l

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ELEVATOR MUSIC: MAY INSTRUMENTS BE PLAYED IN SHUL TO UPLIFT THE DAVENING?

Adapted from the writings of Dayan Yitzhak Grossman

VINNews reports:

Several Gedolim in Israel, led by¹ Hagaon Harav Gershon Edelstein shlit"א, released a statement effectively banning musical Slichos events which have become prevalent in recent years on the first night of Slichos. The letter essentially says that what is supposed to be a sacred gathering has become an entertainment event.

Here is a translation of the sharply-worded text:

"Regarding those who 'breach boundaries' to change and overturn the sacred gatherings of the Slichos davening, [by transforming it] into a recreation event by holding 'Slichos evenings' with the participation of

singers and orchestras, both in shuls and [outside] in the streets, who, rather than fulfilling 'shaking and trembling from the day of your coming (before Hashem for judgment),² replace the davenings and pleas [being practiced] in all communities of Israel to prepare and approach the Days of Judgment, with a musical performance, while destroying the tradition of 'Yisrael Saba.'"

We hereby call on the organizers, Baalei Tefila, and singers, to cease their activities, and [we call upon] the public not to break any barriers in the Kerem Bais Yisrael. And in the merit of the firm stand to protect the sanctity of Israel, may they all

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¹ Given that Rav Edelstein's signature appears as an addendum to those of the other signatories, in the form of "I, too, join," I do not know the article's basis for the claim that the latter were "led by" the former.

² This is an apparent mistranslation (by the author of the article, not that of the proclamation) of the phrase from the Slicha Bemotza'ei Menuchah, recited on the first night of Slichos: וְיִשְׂרָאֵל יִרְדּוּ בַיּוֹם בּוֹרָא, which clearly refers to the Jewish people's "shaking and trembling" before the day of Hashem's coming, rather than the people's coming before Hashem.



PARSHAS HA'AZINU

A DRINKING PROBLEM

Excerpted and adapted from a shiur by Dayan Yosef Greenwald

Who ate the fat of their sacrifices and drank the wine of their libations? Let them arise and help you! Let them be your shelter!

Devarim 32:38

The Gemara (Avodah Zarah 29b) says this alludes to the halacha of *stam yeinam*, the prohibition to drink or benefit from the wine of a non-Jew.

The Steipler Gaon (Kehilos Yaakov, *Chadashim* 171) raises a fascinating question about this issue. If a *rav* serves as *mesader kidushin* for a nonreligious Jewish couple, how may he give them the wine to drink? If they are classified as publicly violating Shabbos (*mechalel Shabbos befarhesya*), they would have a quasi-non-Jewish status (Chulin 5a, Shulchan Aruch Y.D. 119) that should prohibit the wine.

R' Chaim Kanievsky is quoted as adducing proof that one may give them the wine (though the reason remains unexplained) from the Gemara (Chulin 87a) that says R' Nosson sent a *kos shel bracha* for *birkas hamazon* to a Tzduki, who would seem to be a *kofer bechol* HaTorah *kulah* (one who denies the entire Torah) and have a similar status.

Others suggest that *stam yeinam* is a

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Export License

Q Given the prohibition to remove Shmitah produce from Eretz Yisrael and the prohibition to move it from place to place within *chutz la'aretz* after a transfer, may Shmitah esrogim be exported?

A The Bais Radvaz (Hilchos *Shvi'is* 5:18, gloss on 70b) offers two reasons for leniency. The first is based on a Rash that in our times there is no mitzvah of *biur* (removing Shmitah produce from one's possession when that species is no longer available in the fields) on esrogim; since the entire prohibition of removing the produce from Eretz Yisrael is because of the need to do *biur* in Eretz Yisrael, if there is no *biur* in our times, then there is no

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be blessed with a kesiva v'chasima tova for all good and happiness for all days."³

This opposition to musical Slichos follows a venerable tradition of opposition to the introduction of music, particularly instrumental music, to davening and the shul, with the additional objection that music is inconsistent with the Slichos mood of "shaking and trembling from the day of Your coming." Exponents of this tradition obviously had to grapple with the historical-halachic fact of the performance of music in the Bais Hamikdash during the offering of korbanos, and in particular in the context of the nisuch hamayim (water libation) on Sukkos, a beloved tradition still commemorated today by simchas bais hasho'eivah gatherings:

The pious and men of action would dance before them with the flaming torches that were in their hands, and they would say before them words of song and praise. And the *levi'im* would play on harps, lyres, cymbals, trumpets, and countless other musical instruments...⁴

In this article and a follow-up, we survey the opposition of several *gedolei* Torah to music during davening and in shul, and the distinctions they draw between the music played in the Bais Hamikdash and that under debate in the contemporary context.

It is important to note that all the sources we discuss were composed not in a vacuum, but in the context of the fierce battles of classical Judaism against the nascent but burgeoning Reform movement of the nineteenth century. The Reformers had begun to introduce elements of Christian worship, such as organ music, into davening, and the traditionalists' abhorrence of these assimilationist tendencies certainly influenced their vehement opposition to the practices in question.⁵ (It is noteworthy that the minhag in Prague's old and venerable Altneschul was to accompany *kabalas* Shabbos with an organ and/or other musical instruments. According to some accounts, the musicians played until before *Bo'i veshalom* or *Mizmor shir leyom haShabbos*,⁶ while several nineteenth century Prague rabanim recorded that the

musicians were "obligated" to lay down their instruments half an hour before *Barchu*.⁷)

In 1819, during the First Hamburg Temple Dispute (a fierce controversy over the Hamburg Temple, "the first permanent Reform shul and the first ever to have a Reform davening rite"), the polemical work *Eileh Divrei Habris* was published, comprising "letters of reprimand and condemnation against the Hamburg reformers." against the Hamburg reformers. Many of these letters discussed the playing of organs in shul—on Shabbos and Yom Tov in particular, as well as in general—and some of them sharply reject the introduction of (instrumental) music in shul.

THE CHASAM SOFER

We see that our ancestors who established the davening did not ordain (the use of) musical instruments in davening, and even though this (use of) music (in davening) began with us, in the Bais Hamikdash service, our ancestors nevertheless abandoned it. It is thus evident that it did not meet their approval (to utilize music in davening after the *Churban*), due to the principle that "From the day the Bais Hamikdash was destroyed, there is no joy before Him."⁸

And I have already written elsewhere that in my humble opinion, the reason the text (of Tehillim 137:4) reads "How can we sing the song of Hashem 'upon the alien's soil?'"⁹ rather than 'before aliens,' is to foreclose the possibility of music even before Hashem when we are upon the alien's soil...¹⁰

R' MORDECHAI BANET

What mitzvah is there to play instruments during davening? It is actually inappropriate to commingle the joy of strange service¹¹ (i.e., instrumental music) with the joy of the soul at the time of the (reciting of) praise and song and might and power¹² to our G-d. The song of the *levi'im* was primarily vocal,¹³ in the manner of our recitation of the *trop*, and they would sing each word according to its meaning and character. This is different from our case, where the melody and song of the playing of the organ has no connection to our recitation of the song, and on the

3 Gedolim Release Letter Opposing Musical Slichos Events. VINNews. <https://vinnews.com/2022/09/16/gedolim-release-letter-opposing-slichos-night-kumzitz/>. Cf. Rabbonim Letter Against Musical Slichos. Hefkervelt. Sep. 16, 2022.

4 Mishnah Sukkah 5:4.

5 Both R' Ovadia Yosef (Shu"t Yabia Omer cheilek 3 Y.D. siman 24 os 6) and R' Osher Weiss (Minchas Osher Vayikra siman 33 os 4) have asserted that various declarations by great poskim, including R' Shlomo Kluger and R' Moshe (Maharam) Shik, that particular practices popular in their time were forbidden as *chukos hagoyim*, are not defensible from a technical halachic standpoint, but should rather be understood as products of their historical context, as extreme measures necessary to combat the Reformers.

6 Eileh Divrei Habris pp. 5, 31.

7 Ibid. p. 17. Cf. Shu"t Melameid Leho"il cheilek 1 siman 16 p. 14; Shu"t Kapei Aharon (Epstein) siman 20 os 1.

8 Yalkut Shimoni (Eichah) remez 1009. Cf. Avodah Zarah 3b: "From the day the Bais Hamikdash was destroyed, there is no longer any making sport (*sehokh*) for Hakadosh Baruch Hu."

9 Tehillim 137:4.

10 Eileh Divrei Habris p. 10. All translations of this work in this article are my free translations.

11 From Yeshayah 28:21.

12 Tehillim 68:36.

13 See Arachin 11a, Hilchos Klei Hamikdash 3:3.

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prohibition either. The second leniency is based on a Ra'avad that the prohibition of removing Shmitah produce from Eretz Yisrael is due to the shortage of produce in Eretz Yisrael. Since in our times there isn't a shortage, the Chachamim wouldn't have prohibited the removal. The Mishpat Shalom (Maharsham) disagrees, and the Bais Radvaz himself retracted his leniencies upon seeing the opposition to his views.



DAYAN YEHOSHUA GRUNWALD

The Bais Radvaz quotes a leniency in the name of R' Chaim Berlin for crops that were planted with the intent of removing the resultant produce to *chutz la'aretz*. The Maharsham (Mishpat Shalom C.M. 231) agreed with this leniency, but the Bais Radvaz did not accept it because he couldn't find an earlier source for it. The Bais Radvaz attempted leniencies based on the fact that Shmitah today is only *mideRabanan* and because of the importance of sustaining the impoverished Jewish settlement in Eretz Yisrael. These leniencies appear weak and perhaps desperate.

The Chazon Ish was of the opinion that removing esrogim from Eretz Yisrael for the purpose of fulfilling the mitzvah in *chutz la'aretz* would be permitted if there was no viable alternative. This leniency does not seem applicable today, when the *arba'ah minim* can be purchased from local sources in the USA.

It seems difficult to find a solid leniency for permitting the export of Shmitah esrogim.

contrary, it disturbs the concentration, and in place of understanding that one should glorify himself with contemplating and knowing Hashem,¹⁴ he directs his attention to listening to the musician, for it is pleasant to him.¹⁵

We will *iy"H* cite other sources on this issue in a follow-up article.

14 From Yirmiyahu 9:23.

15 Eileh Divrei Habris p. 15.

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g z e i r a h
d e s i g n e d
t o p r e v e n t

intermarriage, but it does not render the wine a *cheftza de'sura* (inherently forbidden object). For the same reason, it is logical that

Chazal did not forbid a *mechalel* Shabbos *befarhesya* to drink wine that he himself rendered forbidden.

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