

MUSIC DURING THE YEAR AND THE THREE WEEKS

by Rabbi Doniel Neustadt

Question: Is it permitted nowadays to listen to taped, contemporary (or classical) Jewish music?

Discussion: After the Beis ha-Mikdash was destroyed, Chazal restricted the playing of music to occasions of "simchah shel mitzvah." They felt that the level of joy brought about through the playing of musical instruments is inappropriate as long as the Beis ha-Mikdash lies in ruins.

The Rishonim debate the extent of the prohibition in actual practice: Some maintain that playing music is prohibited only at certain times and in certain places, such as when going to sleep or waking up, or in bars or party halls where wine is served. Others maintain that playing music is prohibited anywhere and everywhere, except when associated with the performance of a mitzvah.

Both views are quoted in Shulchan Aruch,¹ and while many poskim rule stringently and prohibit music at all times,² and it is appropriate to be stringent,³ many people conduct themselves according to the more lenient view and play and listen to music whenever they are so inclined.⁴ There are a number of other arguments for leniency.

- The Meiri⁵ writes that the prohibition was enacted only in regard to music which "causes levity, does not praise Hashem... nor is associated with any mitzvah... but any song which sings the praises of Hashem and does not cause levity or immorality (peritzus) is permitted... and this should be decided in each generation according to the rabbis of the time and place..."

- Some poskim suggest that since taped music — as opposed to live — did not exist in the days of Chazal, it was never included in the rabbinic prohibition.⁶

- Music, in many cases, eases people's moods and frustrations, and helps them cope with their problems. Chazal forbade only music which is played for the sake of enjoyment, not music which is therapeutic and inspirational in nature.⁷

Question: Based on the above, may one be lenient and play music during sefirah and the Three Weeks as well?

Discussion: None of the leniencies quoted above allow one to listen to music during the days of sefirah or the Three Weeks. All music — taped or live, inspirational or otherwise — is generally prohibited during those periods on the Jewish calendar, which have been established by Chazal as periods of mourning.

The reason that we may be lenient during the rest of the year and not during these two periods is simple: The decree against playing music throughout the year does not render the entire year a period of mourning; it is but an attempt by Chazal to keep the calamity of churban Beis ha-Mikdash firmly entrenched in our consciousness. Thus, when music is being played for the sake of a mitzvah, or it is inspirational or therapeutic, we may argue that it should be permitted, as stated above. But the time periods of sefirah and the Three Weeks are periods of national mourning similar to the mourning period of Shivah and Sheloshim after a relative's passing. Thus, playing or listening to all kinds of music during sefirah or the Three Weeks is forbidden and none of the above arguments for leniency apply.⁸

Question: Is it permitted to buy a major appliance (a refrigerator or a washing machine, etc.) or expensive furniture (a couch or a bookcase, etc.) from the Seventeenth of Tammuz until Rosh Chodesh Av?

Discussion: All shopping is permitted during the Three Weeks except for those items upon whose purchase one recites the blessing of shehecheyanu. Nowadays, most people no longer recite shehecheyanu even on the purchase of major, expensive appliances and furniture.⁹ It is permitted, therefore, for them to make all such purchases until Rosh Chodesh Av.

If one customarily recites shehecheyanu when purchasing expensive appliances, furniture or a car, etc., he should not take delivery of that item during the Three Weeks if the item that he is buying is exclusively for his personal use. [A chasan, therefore, should not give his kallah her engagement ring during the Three Weeks, since she is required to recite a shehecheyanu upon receiving it.¹⁰] If, however, it is a type of purchase that will be used by other people as well, e.g., his wife or children, then it may be purchased during the Three Weeks. This is because the proper blessing on an item which is shared with others is ha-tov v'ha-meitiv, not shehecheyanu,¹¹ and it is permitted to recite ha-tov v'ha-meitiv during the Three Weeks.¹²

Question: Is it permitted to buy and wear new clothes from the Seventeenth of Tammuz until Rosh Chodesh Av?

Discussion: As we mentioned yesterday concerning appliances, only the type of clothes that require a shehecheyanu should not be bought during this time. Thus, shoes, shirts, trousers and all undergarments may be purchased and worn without restriction until Rosh Chodesh Av. One who never recites shehecheyanu on clothes, even on expensive ones,¹³ could also purchase and wear expensive clothes during this time. Those who do recite shehecheyanu when putting on new clothes may still buy and alter them until Rosh Chodesh Av, but they may not be worn until after the Nine Days are over.¹⁴

Mishnah Berurah ¹⁵ rules that on Shabbos during the Three Weeks it is permitted to wear an item that requires shehecheyanu. ¹⁶ Other poskim are more stringent and do not permit wearing such clothes even on Shabbos. ¹⁷

Sources:

1. O.C. 560:3.
2. See Mishnah Berurah 560:13 quoting the Bach, which differs from the lenient ruling of the Rama.
3. Igros Moshe, O.C. 1:166. See Igros Moshe, O.C. 3:87 who rules that we do not censure those who are lenient.
4. See Teshuvos Kapei Aharon 52 and Teshuvos Maharshag 2:125. Based on the above, listening to music when going to sleep or upon awakening is even more restricted, since none of the Rishonim permit listening to music at those times (Harav S.Z. Auerbach, Halichos Shelomo 1:13-18). Many camps, however, wake the campers up by blaring music from the loudspeaker system; apparently, they consider this as being "associated with a mitzvah," since it is an effective method to awaken the campers in time for Shacharis.
5. Gittin 7a.
6. Chelkas Yaakov 1:62.
7. See Shevet ha-Levi 6:69, 8:127; Lehoros Nasan 4:46 and Yechaveh Da'as 1:45.
8. Igros Moshe, O.C. 1:166, 3:87; Y.D. 2:137, and agreed upon by all poskim. Still, in honor of certain seudos mitzvah, e.g., a bar mitzvah or hachnasas Sefer Torah, some poskim permit playing taped or live music. A rav should be consulted.
9. Shulchan Aruch ha-Rav (Birkas ha-Nehenin 12:5); Kaf ha-Chayim 223:20; Halichos Shelomo 23, note 23.
10. Harav Y.S. Elyashiv, quoted in Vezos ha-Berachah, chapter 18). See also Igros Moshe, E.H. 4:84-2.
11. O.C. 223:5.
12. Igros Moshe, O.C. 3:80. Similarly, if the item is needed for one's business, it may be purchased, and the shehecheyanu is recited after the Three Weeks are over; ibid.
13. See Teshuvos Maharshag, Y.D. 1:95
14. Mishnah Berurah 551:45; Kaf ha-Chayim 551:88; Harav S.Z. Auerbach (Shalmei Moed, pg. 478)
15. Mishnah Berurah 551:45 and 98 and Sha'ar ha-Tziyun 48 and 99. See also Kinyan Torah 1:109-5.
16. But only on Shabbos itself — it may not be worn for the Minchah service on erev Shabbos; Bein Pesach l'Shavuos, pg. 293, quoting Teshuvos Riva.
17. Chayei Adam 133:14; Kitzur Shulchan Aruch 122:2; Aruch ha-Shulchan 551:18; Kaf ha-Chayim 551:205.

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