

Music during Sefira and Three Weeks

1. According to Ashkenazim, some say that it is permitted to listen to music year-round except at a feast with wine.¹ According to Sephardim, however, many hold that it is forbidden to listen to musical instruments anytime, and even vocal songs are prohibited at a feast with wine. Nonetheless, many Sephardim are lenient to listen to recorded music or music over the radio.²
2. Many authorities hold that classical music is not included in this prohibition.³
3. During sefirat ha'omer and the three weeks, many poskim hold that it is forbidden to listen to music.⁴ Some permit listening to "a capella" music during these times.⁵

1. The Gemara in Gittin 7a learns from Pesukim in Nach that it is forbidden to sing songs or play musical instruments. Tosfot (Gittin 7a D"R Zimra) understand that the prohibition includes only music at feasts of wine, as in the Mishna Sotah 48a. Tosfot add that one should be strict in cases similar to that of the Yerushalmi of a person who goes to sleep and wakes up to music. The Rambam (Taaniyot 5:14), by contrast, writes that it's forbidden to play musical instruments in all cases, and mere singing is forbidden only at a feast with wine. Strangely, the Rambam in his responsa (# 224) seems to forbid listening to music whether it comes through instruments or people singing and whether it's at a feast or not.

Shulchan Aruch 560:3 rules like the Rambam in Yad Chazakah. The Rama 560:3, though, quotes the opinion of Tosfot as normative, while the Bach 560 holds like the Sh"t HaRambam. Many acharonim, including the Magen Avraham 560:9, Mishna Brurah 560:13, Kaf HaChaim 560:26, and Sh"t Az Nidbaru 8:58 cite the Bach and seem to hold like him. Kitzur S" A 126:3 clearly holds like the Bach. Sh"t Igrot Moshe 1:166 rules like S" A but adds that a righteous individual should be strict for the Bach.

On the other hand, Sh"t Tzitz Eliezer 15:33, Rav Belsky in Shulchan HaLevi 16:2, Hilchot Chag BeChag (p. 24), and Sh"t Sheilat Shlomo 7:59 accept the position of the Rama.

2. According to Sh"t Igrot Moshe 1:166 and Sh"t Tzitz Eliezer 15:33:2, listening to music through a radio or tape-recorder is considered to be the same as listening to the music live. Sh"t Chelkat Yaakov 64:2 argues that since the music comes from an instrument that didn't exist in the time of Chazal, it should not be forbidden under Chazal's prohibition. On the other extreme, Sh"t Az Nidbaru 8:58:3 and Sh"t Sheivet HaLevi 2:57 hold that recorded music is always considered music from musical instruments, even if it was recorded as "a capella", because it emanates from an instrument (i.e. the music player).

Rav Ovadyah in Sh"t Yachava Daat 1:45 rules like the S" A. He is lenient, though, to listen to recorded music of holy content, based on the Chelkat Yaakov. Rav Chaim Dovid HaLevi (Aseh Lecha Rav vol 3 p. 16) seems to agree. Or Letzion (vol 3 30:3) even writes that although it's proper to follow the S" A, the Sephardic minhag is lenient like the Rama.

3. Rabbi Chaim Jachter (Gray Matter vol 3 p. 5) quotes Rav Soloveitchik as saying that classical music was not included in the prohibition of Chazal altogether. Sheilat Shlomo 7:60 agrees.

Similarly, Rav Shlomo Zalman (Halichot Shlomo 11:14 and 14:3) permits listening to music that does not lead to dancing, even if it contains musical instruments, even during the three weeks and

sefirat ha'omer. He adds, though, that for the three weeks, it is proper to be strict. See also Rabbi Dichovsky's essay (Techumin Vol 21 p. 67) where he quotes Rav Moshe Feinstein as permitting listening to background music as one works, learns, or drives during the three weeks because such music is unrelated to dancing.

4. Magen Avraham 493:1 writes that the minhag is not to dance during sefirat ha'omer. Aruch HaShulchan 493:2 writes that if dancing is forbidden, then certainly playing music with a musical instrument is forbidden. Kapei Aharon 52 contends that although listening to music certainly is forbidden during sefirat ha'omer, the three weeks, and the 12 months of mourning for a parent, it was never mentioned by Shulchan Aruch or the commentaries because it is forbidden to listen to music all year round. Minchat Yitzchak 1:111 adds that even if there is no proof for this ruling, the minhag is to be strict. Igrot Moshe 1:166, Mishneh Halachot 8:118, Yachava Daat 6:34, Rav Mordechai Eliyahu (Maamar Mordechai 20:40), and Hilchot Chag BeChag (p. 67) agree that during sefirat ha'omer, it is forbidden to listen to musical instruments even for those who normally follow the Rama.

On the other hand, Rav Mordechai Willig (quoted by Rav Aryeh Lebowitz in "Music during Sefira") expresses a doubt regarding the Aruch HaShulchan's proof given that nowadays music inspires less simcha than dancing. Similarly, Rabbi Jachter (Gray Matter vol 3 p. 5) quotes Rav Aharon Lichtenstein, who in turn cited Rav Soloveitchik as saying that music wasn't prohibited at all during sefirat ha'omer or the three weeks, but most poskim do not accept this position.

Sh"t Igrot Moshe 4:21:4 writes that the three weeks is the same as sefirat ha'omer during which it is forbidden to listen to musical instruments. Kapei Aharon 52, Minchat Yitzchak 1:111, Yachava Daat 6:34, and Nitai Gavriel 15:1 agree.

5. Sh"t Igrot Moshe 1:166 and Sh"t Yachava Daat 6:34, who forbid only instrumental music during sefirat ha'omer and consider recorded music as equivalent to or more lenient than live music, would seem to permit "a capella" music during sefirat ha'omer. Rav Belsky in Shulchan HaLevi 13:6 differentiates, forbidding "a capella" that sounds like instrumental music but permits it if it merely sounds like people singing.

Sh"t Shevet HaLevi 2:57, however, considers recorded vocal music like a musical instrument, which he says is forbidden all year round. Additionally, Sh"t Tzitz Eliezer 15:33 writes that even though he considers recorded vocal music like vocal music, it is forbidden during the three weeks and sefirat ha'omer based on the minhag not to dance. Nitai Gavriel 15:1 agrees.