

Medicinal Music & Therapeutic Tunes

During this period, the question frequently emerges regarding the permissibility of listening to music for alleviating anxiety or for other therapeutic reasons. This essay will present the perspectives of various Poskim on this matter.

Following the *Churban, Chaza"l* made a blanket prohibition on playing music. The Gemara in *Sota* (48a) derives this from the Pasuk, "*The elders [are absent] from their [position] sitting at the gate, the youngsters [refrain] from their song*" (*Eicha* 5:14). In other words, once the Sanhedrin no longer sat in the Beis haMikdash, all music was banished. Rabbi Yochanan said: "*Whoever drinks while hearing four types of instruments, brings five types of punishment upon the world.*"¹

Rashi and *Tosfos* in *Gittin* (7a) imply that the *Issur* of playing music instituted after the *Churban* applied primarily to *Batei Mishte* (places of celebration). *Tosfos* extend this restriction and note that it is proper to abstain from music that brings significant enjoyment.

The *Rambam's* ruling is even more stringent (*Hilchos Ta'anuyos* 5:14):

And they decreed not to play any musical instruments ("k'lei shir") at all. All types of instruments ("k'lei zemer") and all that produce music are forbidden to rejoice with and prohibited to listen to because of the Churban. Even singing over wine is forbidden, as it is stated, "They shall not drink wine with song" (Yeshayahu 24:9). But it has already become the custom of all Yisrael to recite words of praise or songs of thanksgiving to Hashem and the like over wine.

This same dispute is reflected in the *Shulchan Aruch* and *Rema* (O.C. 560:3). The *Shulchan Aruch* adopts the strict *Psak* of the *Rambam* and prohibits all instrumental music. However, the *Rema* limits the *Issur* to those who listen to music regularly (e.g., royalty who wake and go to sleep to musical accompaniment), or in a *Beis Mishte*. (Both the *Mechaber* and *Rema* agree that music is always forbidden when drinking wine.²)

Simply understood, the *Rema* would permit playing music to alleviate sadness, depression, distress, or for other therapeutic purposes. The *Shulchan Aruch's* position is less clear, though he agrees that the basis for the *Issur* is to avoid rejoicing.

¹ [Editor's note: The Gemara quotes *P'sukim* in *Yeshayahu* (8, 11-12) that mention four different musical instruments. See the *Ben Yehoyada* there for an allegorical interpretation of this Gemara.]

² [Editor's note: Discussion of exceptions (e.g., *Seudas Mitzva*) is beyond the scope of this essay.]

The Poskim disagree about the status of recorded music. According to R' Shmuel Wosner *zt"l*³ (*Shevet haLevi* 2:57, 6:69), it has the same status as live music, after all, the *Rambam's* wording is, "v'chol mashmi'ei kol shel shir" (all that produces a sound of song).

However, *haGaon* Rav Asher Weiss *Shlit"a* disagrees with the inference. The *Rambam* refers to all types of instruments; there is no precedent for including recorded music that is not played with an instrument. Rav Asher adds that there is a clear difference between live and recorded music. Live concerts and performances lead to great *Simcha*; recorded music, although enjoyable, does not create *Simcha*, and *Chaza"l* prohibited *simcha*, not *hana'ah*.

He further observes that only the Ashkenazi Poskim treated this *Issur* with exceptional severity, forbidding even recorded music. Specifically, this includes Rav Moshe Feinstein (*Igros Moshe O.C.* 1:166), the *Tzitz Eliezer* (15:33), and *Shevet haLevi* (cited above), *Zichronam l'Vracha*. In contrast, the *Sefardi Chachamim* ruled more leniently. In *Shu"t Yechave Da'at* (1:45), R' Ovadia Yosef *zt"l*⁴ quotes the *Meiri* (*Gittin* 7a) that asserts that *Chaza"l* "only forbade [Negina] in a licentious context ('Pritzus')." Given that many *Rishonim* restricted the *Issur* to *Negina* accompanying wine drinking, one who relies on their position, or on the *Meiri's* approach, is on solid Halachic ground. Regarding recorded music, there is even greater room for leniency. The *Or l'Tzion*⁵ (3:30:3) makes a similar argument and concludes that "one should not protest it." R' Asher similarly concludes that this view is the *Ikar l'Halacha*.

We are accustomed to avoiding listening to music during *Bein haMetzarim*, even in situations where it would be permitted throughout the year. Though the *Magen Avraham* (551:10) – the basis for the stringency – only forbids dancing, the Minhag is to avoid music altogether, as R' Moshe Feinstein writes (*Igros Moshe O.C.* 1:21:4).⁶

Many Poskim permit music throughout the year for people affected by depression. The *Shevet haLevi* (6:69, 8:127) justifies the practice, considering it a *Mitzva*. Similarly, the *Mishne Halachos*⁷ asserts (6:106) that "It is obvious that *Chaza"l* only forbade song for enjoyment and light-heartedness that may lead to levity. They never forbade [music] for the sake of *Refua*." Poskim often quote *Shu't Maharshag*⁸ (*Shu"t* 2:125) who states that people

³ 1913-2015

⁴ 1920-2013

⁵ R' Ben Tzion Abba Shaul *zt"l* (1924-1998)

⁶ Regarding a cappella music - see *Halichos Shlomo*, *Bein haMetzarim* (14:3).

⁷ R' Menashe Klein *zt"l*, *Ungvarer Rav* (1925-2011)

⁸ R' Shimon Greenfeld of Chust, *zt"l* (1860-1930)

can naturally fall into despair and need to listen to music to alleviate their distress. Doing so transgresses no *Issur*.

The above pertains to music during the year. However, regarding *Bein haMetzarim* (or during the year of *Aveilus* for someone who has lost a parent, *r"l*), even though the widely accepted Minhag is to entirely refrain from listening to music, many Poskim are lenient if one needs it for these purposes. R' Shlomo Zalman Auerbach *zt"l*⁹ commonly permitted music during *Bein haMetzarim* and the year of *Aveilus* to alleviate loneliness or anxiety (*Halichos Shlomo* 14, footnote 8). He once allowed someone to play the piano in the home of a sick woman to strengthen her spirit (*ibid. Dinei Sefiras haOmer* 11, footnote 54). Since the purpose is not for *simcha*, it is permissible.

The *Or l'Tzion* disagrees (25:2), and he rules that one should not listen to music during *Bein haMetzarim*, even to alleviate sadness or disquiet, unless it is due to clinical depression. He adds in a footnote that "*It is evident that a Chole Atzabim*¹⁰ *may listen to music throughout Bein haMetzarim, even on Tisha b'Av itself, since his life may be endangered if he refrains.*"

It appears that the *Or l'Tzion* understood that sadness and disquiet are appropriate emotions during *Aveilus*, and music to assuage them cannot be permitted. Depression, however, is an illness; thus, music is allowed. The *Rambam* clearly states (*Shemona P'rakim Perek* 5) that music constitutes genuine medical therapy for melancholy ("*Mara Shechora*").

The *Maharshag* (*ibid.*) emphasizes that this Halacha applies differently to individuals. Each person must discern for himself whether music is merely a source of enjoyment or necessary relief from depression.

R' Yitzchak Zilberstein *Shlit"a* (*Vavei haAmudim va'Chashukehem* 34) similarly permitted Ezer miTzion volunteers to play music for hospitalized patients during *Bein haMetzarim*. He quotes the *Pasuk* in *Mishlei* – "*Ru'ach Ish Yechalkel Machalehu* (18:14) - A man's spirit will sustain him amid his illness" as support for the *Psak*.

In conclusion, music is permissible for therapeutic purposes, such as alleviating depression, even during times when it is customarily avoided. This logically extends to those undergoing difficult treatments such as chemotherapy or dialysis, where music can provide distraction or emotional support, as well as to physiotherapy or other therapeutic exercise requiring movement at a specific rhythm and pace.

⁹ 1910-1995

¹⁰ Someone suffering from mental illness that has crossed the threshold from normal emotional distress to psychiatric illness.