

## *Guitars, Rabbi Lau, and the Abuse of Halakhah*

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As the year 5784 approaches, we turn our attention to an interesting phenomenon in the *haredi* community in Israel: “Carlebach-style” *s’lihot* services, in which the traditional penitential prayers are recited to the accompaniment of musical instruments. According to an [article](#) in the *haredi* publication *Kikar Shabbat* (Hebrew), this practice has been around for a while, “in almost every city and *haredi* neighborhood,” attracting “many” (*rabim*) from among the Orthodox public. The question, of course, is whether such a non-traditional practice is permitted according to *halakhah*. Last year, a group of rabbis that included the late Rabbi Gershon Edelshtein, the *rosh yeshivah* of Ponevezh, issued a [letter](#) (Hebrew) condemning such *t’filot* for turning “sacred occasions” into “entertainment events” that are “destructive of Jewish tradition.” But this year, the article reports, Ashkenazi Chief Rabbi David Lau has issued a *heter* for the practice. Although in principle (*mil’khatilah*), he writes, individuals and communities *ought* to recite *s’lihot* in the traditional *a cappella* fashion,<sup>1</sup> “since there are those for whom musical instruments add a sense of longing or yearning (*kisufim*) to prayer, we should not forbid this.”

You may be asking yourself: doesn’t this sound familiar? If so, you’re right. The argument parallels a similar *mahloket* the early 19<sup>th</sup> century, when the Reform movement brought musical instruments (mainly the organ) into synagogue services. The movement’s opponents, soon to bear the label “Orthodox,” condemned this innovation because, well, mostly because it *was* an innovation. But they also declared that it violated the *halakhah*, primarily for two reasons. First, playing musical instruments on Shabbat or festivals for any reason runs afoul of a Rabbinic

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<sup>1</sup> He supports this with the claim “as we learn, ‘prayers of supplication are primarily expressed with the unaided voice’ (עיקר התחינה בפה).” He offers no citation for this *limud*, and we have not been able to locate a source.

prohibition.<sup>2</sup> And as for playing musical instruments at weekday services – say, *Kabbalat Shabbat* before sundown or *s'lihot* on Saturday night – that was forbidden on grounds of *hukkot hagoyim*, of imitating or adopting Gentile cultural and ritual practices.<sup>3</sup> It didn't matter that the Reformers insisted that they acted not to imitate the worship styles of their Christian neighbors but rather because the organ helped to establish an atmosphere of spiritual uplift (*kisufim*, anyone?) that was conducive to *kavanah*. No, in the Orthodox view *any* effort to “modernize” the synagogue service, which meant to conduct worship according to Western standards of dignity, decorum, and musicality, violated the prohibition. And so it happened that the total absence of musical instruments became a defining characteristic of Orthodox worship.

Until, apparently, now. In his letter, Rabbi Lau acknowledges that the 19<sup>th</sup>-century Orthodox polemicists (he calls them *g'dolei yisrael*) did prohibit the use of musical instruments at *t'filah* on grounds of *hukhot hagoyim*. But that was then; this is now. As he puts it, נשתקע הדבר, the reasons for that conflict have long since been forgotten or become irrelevant. Or, as we think it proper to translate, these fine *haredi* communities most assuredly aren't trying to imitate Christian worship! Therefore, “it does not appear (*lo nireh*) that the recitation of *s'lihot* to guitar or violin accompaniment violates the prohibition against adopting Gentile customs.” To be sure, the 19<sup>th</sup> century is not entirely a matter of ancient history: we still don't like organ music. Rabbi Lau stresses that, “pursuant to longstanding tradition, the organ remains prohibited today on grounds of *hukhot hagoyim*.” Nonetheless, “it is possible (*efshar*) to permit the use of other musical instruments.”

What to make of all this? First off, we'd note that Rabbi Lau's distinction between the organ (*goyish*) and guitars and violins (not *goyish*)<sup>4</sup> is laughably absurd; has he never heard of Christian folk masses? The fact is that the *haredim* who conduct these Carlebach-style *s'lihot* services got the idea to use guitars and violins from “outside,” from the cultural usages of the non-Jewish world,<sup>5</sup> just as did those organ-loving Reformers of the 19<sup>th</sup> century. The only difference is that the former are judged to be good Jews (they're *haredim*, after all) and the latter are judged to be bad Jews, and for that reason their intent must be to imitate the Gentiles.

Second, and fundamentally, this episode reminds us that much of the Orthodox opposition to Jewish religious reform was (and still is) *cultural* rather than *halakhic* in nature. As Rabbi Lau makes clear, the playing of musical instruments at worship services does *not* transgress the *halakhah*.<sup>6</sup> So let's keep in mind that when Orthodox rabbis have condemned us for that practice, they've based their decision not upon the law but upon the facts, upon an evaluation of the “real” intentions and motivations of those who accompany their *t'filah* with musical instruments. Any such evaluation is an act of judgment that may say more about the ideological commitments and

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<sup>2</sup> “Rabbinic,” because the Torah itself does not define playing a musical instrument as an act of prohibited “work” (*m'lakhah*). The Rabbis prohibited it lest one be led into repairing or tuning the instrument (*m'taken k'li*), which is a Toraic prohibition. See *B. Beitzah* 36b; Rambam, *Hil. Shabbat* 23:4; *Shulhan Arukh Oraḥ Hayyim* 339:3.

<sup>3</sup> The prohibition is based upon Leviticus 18:3 and is often understood as a demand that Jews maintain a strict cultural separation from their Gentile neighbors, “in their manner of dress, haircut, and the like” (Rambam, *Hil. Avodat Kohavim* 11:1).

<sup>4</sup> Could he be channeling [Lenny Bruce](#)?

<sup>5</sup> For that matter, where do we think Shlomo Carlebach himself got the idea to use the guitar in Jewish worship?

<sup>6</sup> Just as our Reform predecessors did back in the 19<sup>th</sup> century. We could also argue, as did they, that the *halakhah* can permit the use of musical instruments even on Shabbat. But that's a discussion for another time.

cultural biases – the worldview (*hashkafah*) - of the rabbis than it says about the mindset of the guitarists and fiddlers. To be clear: rabbis are entitled to make such judgments. Indeed, many rabbinical decisions require that the *posek* evaluate the facts in order to apply the law. But those judgments are *not* the law itself. They are determined not by the texts and rules of *halakhah* but by the mind, heart, experiences, and biases of the decisionmakers.

Moral of the story: Orthodox *poskim* are entitled to tell us how they view the world, but they abuse the *halakhah* when they identify it with their ideology. And we're grateful to Rabbi Lau for giving us the opportunity to call them out!