

35.
Legal
On Listening to Music
(Two "Opinions" Sent from Bagdad to Tunisia)

See Letter 82
Israel Adler
10 Jan 1971

(More than a thousand such pastoral letters, sent by the heads of the Jewish academies in Bagdad to Jewish communities all over the world, have been found in the Cairo Geniza. They, or rather their copies, have been preserved, because many of them were sent to the West through Cairo where they were copied before being forwarded to their destination. The two, translated here, were issued by Hai Gaon (head of the academy 1006-1038), the first ^{for} of the Jewish scholars of Gabes in Southern Tunisia, the second for those of al-Qairawan, then the capital of that country. Their full text is preserved only in the Geniza,¹ but they were frequently quoted and had a considerable influence on the official attitude of mediaeval Judaism towards music, which was, however, often in conflict with life. To be sure, religious opposition to secular music was by no means particular to Jews (see p.). Owing to the many technicalities occurring in such an "opinion," the translation had to be selective. The originals are in Hebrew.)

I. The Opinion Sent to Gabes

Question. One of our ancient sages has interpreted the words of the prophets: "Rejoice not, O Israel, as other people do"^{a)} and "They shall not drink wine with song"^{b)} as meaning that after the destruction of the Temple,^{c)} both instrumental and vocal music were forbidden. Instruct us, our lord, whether this opinion is law. If so, it is in conflict with the injunction that we should provide pleasurable entertainment for young couples during their weddings. In our town, it is customary that women dance during the weddings, using tambourines and castanets. People also engage Muslim musicians for the occasion, who play lutes, harps, and

sithers. Is this permissible or not? And is there any difference in this respect between the various types of instruments?

Answer. Our opinion is ^{this} as follows. At banquets, and certainly at weddings, it is customary everywhere to sing joyful songs, consisting of hymns and other poems, praising God for His wonders and lovingkindness, or expressing hope for ^{by} His Kingdom to come and for the good tidings of the prophets to be fulfilled. Many poems ^{d)} to this effect have been composed and are sung to various tunes. In addition, at weddings and other joyous occasions, the poems contain appropriate allusions to the events and express good wishes for success and happiness. All this has never given rise to any objection.

However, the songs prohibited by that ancient sage and referred to by you are of a different kind. These are poems on love between one human being and another, or praise of a handsome man or of a hero, the like of which we find in the "ghazals" of the Arabs. These are prohibited, even when not accompanied by instruments. For it is said: After the Council has ceased to function in the Temple, ^{e)} no secular songs are permitted any more at banquets.

This seems to be in conflict with the view of another of our ancient sages, who even permitted the singing of gentile songs. However, there is no real divergence of opinion. For that sage has specified his view in saying: Songs of the ^{druggers} ~~laborers~~ of boats and of shepherds are allowed, those of tanners are forbidden. The reason for this differentiation is evident. That sage had made an inquiry and found that the songs of the former category did not contain anything indecent or otherwise objectionable, but, at the reverse, supported and heartened the ^{druggers of boats} ~~laborers~~ and shepherds, while,

on the other hand, the songs of the tanners were found to be morally offensive and are therefore forbidden.

As to women performing dances with the use of tambourines and castanets - if this is done in the presence of men, there is nothing more improper, even if no other instruments are involved. If this is done at a banquet and with the accompaniment of instruments, this is entirely forbidden; we excommunicate persons guilty of this. Even men alone, with no woman present, should refrain from listening to instruments, especially to lutes, harps, sithars, and similar instruments with cords, and also flutes. Some scholars allow the use of tambourines and castanets by women at their dances, during the ointment and bedecking of the bride,^{f)} as this is mere noise and not real music. However, it is laudable to refrain even from this.

II. The Opinion Sent to al-Qairawan

Question. Is instrumental music forbidden in general, or only certain instruments (such as those mentioned in Isaiah 5:12)? Some scholars allow the use of certain instruments in our time.^{g)} Furthermore: Is it permitted to attend a banquet in the company of gentiles where music is played?

Answer. The use of any instruments, whether mentioned in that ~~Biblical~~ passage or not, is forbidden in our time. Some forbid even vocal music, although many take a more lenient view concerning the latter.

The attendance of banquets with gentiles where music is played is entirely forbidden, and we excommunicate the transgressors - except for government officials. Of these, too, we allow attendance at such banquets only to a person of whom we know that he can be trusted not to become unrestrained, but while listening to instruments, thinks only about the destruction of

the Temple and induces sadness into his heart. He attends such a banquet not in order to amuse himself, but because he has to pay homage to the ruler. Here, in Babylonia (Iraq), Jews have been in government service for over two hundred years, and persons in such a position have received special absolution from the scholars in this matter. However, this is only done with regard to a reliable person and one who has the welfare of Israel at his heart, such as was Nehemiah, who served as cupbearer to the king of Persia.^{h)} One cannot be a cupbearer of a king without having to listen to music played in his presence. However, if the person concerned drinks and enjoys himself and becomes wild, we withdraw from him the permission to attend such a banquet.

Notes

- a) Hosea 9:1.
- b) Isaiah 24:9.
- c) Music, and in particular instrumental music, constituted a most prominent part of the service in the temple of Jerusalem.
- d) Hebrew piyyut, which is derived from Greek poet(oe).
- e) I.e. after the destruction of the Temple.
- f) Each of the various functions of dyeing the bride with henna and other tints and bedecking her with the wedding ornaments took the better part of a night, during which trying procedures she was entertained by dancing and singing women.
- g) I.e. after the destruction of the Temple.
- h) Nehemiah 1:11.

Comments

- 1. Cambridge, Westminster College, Egypt. Cair. I, and T.-S. 10 G 1, published by B. M. Lewin, Ginse Kodan 5 (Jerusalem 1934), pp. 33-35 and 58-59.