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TALMUDIC METHODOLOGY

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Lecture #16: Creation of Sound on Shabbat and Yom Tov

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The *gemara* in *Eiruvin* (104a) mentions a prohibition against using a utensil to generate sound on Shabbat. Rava claims that only lyric or musical sound is forbidden, whereas Ulla and Abaye seem to prohibit the production of ANY sound. Most *Rishonim* side with Rava because of his successful defense against several questions originally cited to debunk his position. Rabbenu Chananel appears to agree with the more stringent position of Ulla prohibiting any type of sound. This position is supported by the Yerushalmi, which also appears to issue a sweeping prohibition.

What remains unclear from the *gemara* in *Eiruvin* is the REASON that creating sounds should be forbidden in the first place. A likely basis appears in a related *gemara* in *Beitza* (35b). The *mishna* prohibits dancing and clapping on *Yom Tov* and the *gemara* clarifies that these activities are forbidden because they are typically associated with formal song and dance. Engaging in these activities may lead to repairing musical instruments, which itself is forbidden because of *tikkun manah* - repairing any item is equivalent to construction. Presumably, Rava and Ulla extend this reason to any FORM of sound emission. Not only clapping but creating sound through any device may cause a person to repair musical instruments. Rava and Ulla merely debate what type of sound would create this peril, with Ulla taking a more stringent view.

However, Abaye's questioning of Rava in the *gemara* may lead to an interesting alternative. Abaye seeks to prove that even non-musical sounds are forbidden by citing a source banning the use of a water pipe which issues a comforting sound. He demonstrates from this source that "*alodi kola*" - creating any sound is forbidden. By employing the term "*alodi*," which literally means "giving birth" to sound, Abaye may be asserting a different basis for the prohibition against the emission of sound – *molid*, creating new items - which is forbidden on Shabbat.

Of course, this assumes that we can extend the prohibition of *molid* to sound creation. The *gemara* in Shabbat discusses the prohibition of *molid* regarding creating fragrances on Shabbat. Some authorities felt that the *molid* notion could be extended to any new "creation," as routine as that may be. For example, Rav Yitzchak Shmelkes, in his famous responsa known as

Beit Yitzchak, forbade electricity on Shabbat because he deemed the creation of a flow of electric current to be *molid*. Rav Shlomo Zalman Auerbach refutes this notion, claiming that any 'routine' action cannot be deemed *molid*. This debate may influence the ability to view *molid* as a potential source for the prohibition of sound emission.

In theory, *molid* may serve as the source for the sound emission prohibition even according to Rava, who limited the prohibition to musical sound. According to his view, not every ethereal sound would be considered significant enough to breach the violation of *molid*. Only by creating beneficial sound would a person transgress the prohibition of *molid*.

In fact, this concept that sound emission may be prohibited because of *molid* and not only because of the fear of repairing musical instruments - appears in the presentation of the Shulchan Arukh, who, like most decisors, adopted Rava's position. In *siman* 378, he cites the situation of generating sound through utensils, but he does not link the prohibition to the fear of repairing musical instruments. In the subsequent *siman*, he lists the prohibition of clapping and dancing and does in fact trace the issue to the concern of repairing instruments. Perhaps, then, the Shulchan Arukh agreed to this distinction: Generating sound through utensils is considered *molid* and forbidden, as long as the sound is musical or rhythmic in nature. Dancing and clapping are not forbidden because they generate sound but because they are actions associated with song and raise the concern of repairing musical instruments.

The question as to whether the prohibition of "sound generation" stems from the fear of repairing instruments or an independent issue of *molid* affects several interesting secondary questions. Chief among these questions is a fascinating position cited by the Beit Yosef in the name of the Aggur and adopted by the Rama. They claim that Rava's qualification that only musical sounds are forbidden applies to general utensils. Regarding an instrument used specifically to emit sound, ANY SOUND - –even non-musical - is forbidden. Since the *halakha* adopts this limitation, any item that is intended for the generation of sound may not be used on Shabbat regardless of the sound which it emits. In fact, in many European hamlets, the *shamash*, whose job it was to awaken villagers to shul, would strike a different object when creating this noise on Shabbat.

Most commentators have a difficult time explaining this limitation; perhaps the aforementioned discussion may justify this limitation. If general sound emission is forbidden because it may lead to instrument repair, it would be difficult to apply greater stringency to specifically designed instruments which emit non-musical sound. The entire prohibition is based around the concern of repairing musical instruments. Based on this model, Rava limited the *issur* to musical sounds. Why should a scenario including general non-musical sound emitting items run a greater risk of repairing MUSICAL instruments??

If, however, the prohibition stems from the concern of *molid*, perhaps the following logic may be suggested. Rava limited the prohibition to musical sounds because general sounds are not significant enough to be considered *molid*. However, any sound emitted from an instrument SPECIFICALLY INTENDED toward THAT SOUND is automatically considered significant, and *molid* has been breached.

A second issue may pertain to the question of emitting sound without performing any action on Shabbat. Would a person be allowed to leave the radio on during Shabbat? In this particular situation, a different concern may ban this behavior; we might not allow loud activities which may raise suspicion regarding Shabbat violation. For example, one may not allow his water mill to continue running on Shabbat, for this may invite suspicion that he started the mill on Shabbat (a Biblical prohibition)(see Rama OC 152). Similarly, leaving a radio blaring might imply that he turned the radio on during Shabbat, and it would therefore be forbidden. Beyond this concern of inviting suspicion, however, would automatic genesis of sounds - commenced before Shabbat - violate the prohibition against emitting sound?

Conceivably, if the prohibition stems from the concern that instruments will be repaired, any presence of musical sound may advance that danger. If the prohibition surrounds the CREATION of sound and the transgression of *molid*, only active creation during Shabbat would cause this violation.