

COMMUNICATION

MICROPHONES

TO THE EDITOR OF *TRADITION*:

Two of your subscribers had written diatribes against me in your last issue which you published without granting me the opportunity of a rebuttal.

First and foremost, however, let me again state that I not only respect but sincerely love Rabbi Feinstein. I deeply regret that your correspondents misunderstood this. I thought that I had made this abundantly clear. At any rate I reiterate that I am deeply sorry that any one received the impression that I am in any way disrespectful to or lack love for Rabbi Feinstein.

Your first correspondent who identifies himself "as both a musmach and a professional electronics engineer" criticizes my quoting Rabbi J. E. Henkin, Z'l, who himself did not permit use of a microphone on *Shabbat* in this intemperate manner:

First, however, I must criticize Rabbi Poliakoff for the impudence expressed toward Rabbi Feinstein; for the inconsistency of quoting "the highly esteemed sage and

scholar J. E. Henkin, Z'l" in repudiation of one of Rabbi Feinstein's comments, when the same Rabbi Henkin explicitly forbids the use of microphones on *Shabbat*.

Even a superficial reading of my article makes it clear that the only purpose in quoting Rabbi Henkin was to demonstrate that "the nature of electricity" with reference to Halakhah was clear to him. I did *not* quote him as one who permits the use of the microphone on *Shabbat*.

The correspondent's analogy of a microphone with an electronic organ demonstrates his unfamiliarity with the Halakhah and the point at issue. An electronic organ is a *klee shir* — a musical instrument. The microphone at worse is only a *klee hameyuchad l'kol* — a non-musical instrument used for the purpose of producing sound. If he wants to familiarize himself with the subject I refer him to my article in issue No. 7 of *Hadarom*. Concerning the electronic matters I consulted the Applied Physics Laboratory of John Hopkins University — not *musmachim*.

The "personal experience" he cites with Hewlett-Packard to re-

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fute my assertion that modern systems once installed and regulated rarely malfunction is incomprehensible. First, his story apparently refers to a newly installed system. Second, even though the system had been tested, regulated and actually operated, it is *possible* for it to malfunction — but highly improbable. Furthermore, no one except a trained technician would be permitted to handle the cabinet containing the controls which are hidden away or locked — and certainly not to slap or jar the apparatus.

Finally, he accuses me of a “complete lack of comprehension of the concept ‘lest one fix it’ (*Shemma Yitaken*).” Now, there is no blanket *gezerah* “*shemma yitaken*” in all of the Talmud, but, rather, “lest one fix a musical instrument” (*shemma yitaken klee shir*). Furthermore, the meaning of *yitaken* in their context is not “fix” but rather “fashion or make.” (see *Tosafot Betza* 30A).

The only time the Talmud mentions *gezerah shemma yitaken klee shir* is as a reason for the Mishnaic prohibition of clapping hands, slapping thighs or dancing on *Shabbat* or *Yom Tov* — where there is no musical instrument. Nowhere in the entire Talmud is there a prohibition of using an artifact on *Shabbat* on the grounds that it may break and the user would thus be tempted to fix it. (The issue of *muktzeh* is different.) There is, however a *Tosafot* (*Sukkah* 50b) which in order to resolve a very difficult problem, offers the suggestion that an instrument subject to *constant* breaking may be prohibited on *Shabbat* and *Yom Tov*. But this is not the issue

in the *gezerah shemma yitaken Klee Shir* or *Shemma Yitaken Mana* mentioned in the Talmud itself.

The second correspondent states that the prohibition of loading a windmill before *Shabbat* is because the noise it makes on *Shabbat* will cause people to believe that the grinding was initiated on *Shabbat*. He cites *Tosfot*, *Rosh* and *Rama*. This is absolutely false. Neither *Tosfot* nor *Rosh* present *Marit Ayin* as a reason for this prohibition. As a matter of fact *Rosh* specifically states that *Rav Yosef* totally rejects *Rabbah's* reason (viz., “because it gives forth a sound”) because it is a novel concept unparalleled in the Talmud.

The *Or Zarua*, who is the first to mention “*ch'shad*” as a reason for “preloading” offers it clearly and unequivocally as an additional reason to *Rashi's* view that the reason for the Talmudic prohibition is *zeeloota*, viz., a cheapening of the sanctity of *Shabbat* rest. Furthermore, he explains that whenever the Talmud states a prohibition on the grounds of “*avsha milta*” there is an *additional* concern of “*ch'shad*”, i.e., another term for *Marit Ayin*. At any rate it is quite clear that your second correspondent's belabored efforts to explain the view of *Rabbah* in terms of *Marit Ayin* are futile. In addition his statement that “*Rav Yosef* does not argue with *Rabbah's* prohibition because of a sound emitting act but merely in its application to a windmill” is contradicted by every *Rishon*.

The second correspondent accuses me of misinterpreting *Ramo* when I say that *Ramo* agrees with

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the Mechaber that preloading a wind or watermill is permissible. According to him, "preloading is prohibited except if there will be a substantial monetary loss." This is unbelievable! Does he really think that Ramo would permit a *Shabbat* violation merely because of a monetary loss? Had he read

my article carefully he would have known that this means Ramo agrees with the Mechaber as to the basic Halakhah here, but in the absence of a compelling circumstance deference should be paid to the more stringent view.

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