

## REVIEW ESSAY

### *Mi-Yosef ad Yosef Lo Kam ke-Yosef:*

*Hayyav, Mishnato u-Mahalkhav ha-Politiyim shel ha-Rav Ovadiah Yosef* by Zvi Aloush and Yossi Elituv, (*Ben Porat Yosef: Or Yehudah*, 2004)

*Maran Ovadiah Yosef: Ha-Biographyah* by Nitzan Chen and Anshil Pepper (Jerusalem, 2004)

*Mi-Maran ad Maran: Mishnato ha-Hilkhatit shel ha-Rav Ovadiah Yosef* by Binyamin Lau, (Tel Aviv, 2005)

Marc B. Shapiro

**Abstract:** R. Ovadiah Yosef has brought about a revolution in the contemporary Torah world, one which has permanent implications. Marc B. Shapiro analyzes this phenomenon, in both its halakhic context as well as the more personal side of this great Torah leader.

**Biography:** Marc B. Shapiro holds the Weinberg Chair in Judaic Studies at the University of Scranton. His previous contributions to *The Edah Journal* include “Rabbi Jehiel Jacob Weinberg on the Limits of Halakhic Development” (*Sivan* 5762) and “Of Books and Bans” (*Elul* 5763). His most recent book, *The Limits of Orthodox Theology*, was published by The Littman Library of Jewish Civilization in 2004.



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### *Mi-Yosef ad Yosef Lo Qam ke-Yosef:*

*Ben Porat Yosef: Hayyav, Mishnato u-Mahalkhav ha-Politiyim shel ha-Rav Ovadiah Yosef* by Zvi Aloush and Yossi Elituv (Or Yehudah, 2004)

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### Reviewed by Marc B. Shapiro

Outstanding rabbinic figures usually do not merit critical biographies in their lifetimes. Indeed, most have to wait a good while after their deaths before some student, looking for a topic for his doctoral dissertation, decides to focus on them. It is thus quite notable that three books appeared on R. Ovadiah Yosef in quick succession. It is a clear sign that R. Ovadiah is not like any other rabbi.

What is it about R. Ovadiah that makes him so significant? The answer is not simple, and comes down to a combination of the religious and the political. Without R. Ovadiah's entry into politics in 1983, the year he began his association with the newly founded Shas party, he certainly would have had a lower profile. While his influence in religious circles would have remained great—perhaps even greater, for, as we shall see, his image has been tarnished by his foray into politics—he would not have the wider significance currently attached to him, being undoubtedly the only rabbi whose name and picture are recognized by all Israelis.

While Binyamin Lau's book is focused narrowly on R. Ovadiah's scholarship and halakhic achievements, the other two books are complete biographies that show the complexity of the man and how he rose from

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the most humble beginnings to become not only the world's most important rabbi, but also one of the leading powerbrokers in Israeli politics. Neither of the biographies has footnotes, so it is hard to evaluate the accuracy of every detail, but in virtually all aspects they are in basic agreement. Both books are well written, but *Maran* is the livelier of the two—a real page-turner for those with even a general interest in the subject. As with many biographies of rabbinic figures, these books bring us back to a more innocent era, when, in the Sefardic

world particularly, respect for *halakhab* was still part of most people's lives and they lived in a traditional rather than an Orthodox society. Since we live today in an era when some rabbis have declared that one should not sit in or buy coffee at a store like Starbucks that has no *hashgahah*, it is refreshing to read that R. Ovadiah and his students spent time in the coffeehouses of Cairo, where R. Ovadiah may have first developed his love of Arab music.

Both biographies convey a sense that R. Ovadiah presents a paradox for anyone writing about his life. On the one hand, he is a man whose sheer knowledge is unmatched. None of the other great rabbinic authorities of our time comes close to him in this regard. As mentioned already, he comes from very humble beginnings and entirely lacks the *yilus* that is so much a part of the rabbinic world. Throughout his career he has shown great courage and compassion, be it during his time in Egypt when he battled against communal leaders who showed no concern for *halakhab*, or when he spent many sleepless nights painstakingly going over army files, until not one *agunah* remained from the Yom Kippur War. It is thus no surprise that he has earned the admiration of hundreds of thousands, observant and non-observant alike. Those who have been close to R. Ovadiah for many years know him to be a loyal and honorable man, who is prepared to suffer the slings and arrows of others in the name of truth as he sees it.

Yet the paradox is that the same man who spends most of his day devoted to the most advanced level of Torah study, has also consistently shown a side more reflective of the low culture of his youth. There is, to be sure, a positive side to this, as no other scholar in the Sefardic world has been able to form an attachment to the masses like R. Ovadiah. As anyone who has attended his Saturday night lectures—a privilege I enjoyed in 1985—can

attest, his mix of Torah, stories, and humor has great appeal to the man of the street. This is a quality R. Ovadiah has had since his days as a yeshiva student, when it first became apparent that in addition to his incredible knowledge, he also had a gift for reaching the less educated.

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Together with this, R. Ovadiah has been known for numerous outrageous statements, as well as for cursing this or that politician and promising heavenly rewards for those who support his party. Not surprisingly, the secular newspapers carefully monitor his talks, most of which now appear on the internet, waiting for the next “juicy” quote. Perhaps the most embarrassing of these came following Hurricane Katrina, when he declared that it was retribution for the Bush administration's encouragement of the Gush Katif evacuation. Why was New Orleans leveled? Because blacks live there, and they don't study Torah.<sup>1</sup>

These latter comments were made after the biographies appeared, but the two books offer plenty of similar examples which show that we are not dealing with someone who occasionally misspeaks, as all are wont to do. Rather, we are confronted with a basic facet of R. Ovadiah's personality, or perhaps I should write “personalities,” as he seems to have more than one. It is no longer surprising to those who have followed R. Ovadiah's career that the same man who soars to the heights of Torah scholarship can be counted on to come up with some of the most offensive rhetoric of any Israeli public figure. The same man who brought Shas into a Labor-Meretz government—an action

<sup>1</sup> The video of R. Ovadiah saying this can be seen at [www.maran1.com](http://www.maran1.com) (on both the homepage and in the section “*derashot shelishi*,” 3 Elul 5765).

which brought down upon him the wrath of much of Orthodox world—was also the one who famously called Yossi Sarid “Haman” and “Satan,” adding, “God will uproot him just as he uproots Amalek.” The same man who declared that land can be given back in order to achieve peace, also publicly referred to the Arabs as “snakes.”

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In addition to documenting this aspect of R. Ovadiah’s career, the two biographies also discuss other things that would never make it into a typical *haredi* hagiography but that are well known. For example, they deal with the difficult relationships R. Ovadiah has had with other rabbis, and even with his own son, R. Ya’akov, from whom he has been largely estranged at times. Both volumes contain extracts from R. Ovadiah’s unpublished diaries. In them one can find all sorts of negative comments about his early opponents, including his predecessor as chief rabbi, R. Isaac Nissim, and the famed kabbalist, R. Isaac Kaduri, who in his roles as amulet writer and object of veneration would later become an important part of the Shas machine. There is no explanation as to how passages from the diaries reached the authors’ hands, and the logical assumption is that R. Ovadiah cooperated with his biographers.

In seeking to understand R. Ovadiah, one can view him in his totality or completely separate his halakhic achievement from his political persona. It is this latter approach that Lau takes, and while some will see this as distorting R. Ovadiah’s legacy, there is much to be said in favor of Lau’s method. After all, if we are seeking to understand R. Ovadiah’s halakhic approach, why is it important for there to be

discussion of his various ill-chosen comments or political decisions? R. Ovadiah’s scholarship can certainly stand on its own, and it is unlike his curses of prime ministers, which thankfully will be forgotten by future generations. For one to achieve a complete understanding of the man, it is obviously necessary to study his political activities and polemical rhetoric, which on occasion do have a connection with his halakhic views, while at other times, as demonstrated by Zion Zohar, they do not.<sup>2</sup> Yet this does not mean that studies such as Lau’s create a false picture by choosing a more narrow focus any more than a study of Maimonides’ halakhic method suffers by not dealing with the latter’s difficult relationship with R. Samuel ben Ali.

Since R. Ovadiah has taken positions that conflict with the leadership of the *haredi* world, it is not surprising that he has been a focus of its anger. Much of this has to do with his political positions as well as Shas’s emergence as the leading fervently Orthodox party, which succeeded in marginalizing the once important Ashkenazic *haredi* politicians.. When R. Ovadiah was allied with the Ashkenazic *haredim*, their newspapers referred to him with all the titles reserved for great sages. When he parted with them he became *persona non grata* and suddenly it became permissible to attack him in all sorts of ways.

But it was not only R. Ovadiah’s political outlook that brought the wrath of the *haredim* down upon him. As mentioned above, after the Yom Kippur War he worked tirelessly to free all the *agunot*. This is described in both biographies and was an important element in cementing his reputation as an outstanding halakhist. The responsum he published setting forth his halakhic principles is required reading for any *poseq* who must deal with this weighty problem.<sup>4</sup>

<sup>2</sup> “Oriental Jewry Confronts Modernity—The Case of Rabbi Ovadiah Yosef,” *Modern Judaism* 24 (May 2004): 120-149.

<sup>3</sup> Throughout this paper when I refer to *haredim*, I have in mind the Ashkenazic *haredi* community.

<sup>4</sup> *Yabi’a Omer*, vol. 6, *Even ha-Ezer* no. 3.

Yet in a recent *haredi* work that discusses this episode, R. Yosef is referred to as “Ovadiah,” without even putting a *resh* (for Rabbi) before his name. He is also derided as one who will “rely on a responsum, even if it from a book that is not accepted such as some author from Egypt or something similar.”<sup>5</sup> I would merely add that for most *haredim*, no author from Egypt in the last few hundred years would qualify as “accepted,” as their perspective is entirely Ashkenazic-centered. Standard works of the Sefardic halakhic tradition, such as *Erekh ha-Shulhan*, *Petah ha-Devir*, *Yafeh la-Lev*, and the numerous books of R. Chaim Palache, as well as many less important Sefardic halakhic writings, are not regarded with any significance by the typical *haredi poseq* and are hardly ever quoted.

Although the point mentioned at the beginning of the last paragraph is an example of the halakhic disagreements between R. Ovadiah and the *haredi* leaders, the fact remains that had he not taken a different political line from the *haredim*, he would never have been referred to in print in such a disrespectful way. Indeed, in the early years of Shas when R. Eleazar Shakh was the dominant influence and R. Ovadiah his political protégé, the titles that mean so much in *haredi* society were also attached to R. Ovadiah’s name in the *haredi* press.

When I read *haredi* attacks on R. Ovadiah I confess that they remind me of a gnat attempting to take on an elephant. R. Ovadiah just marches on, seemingly oblivious to the carping. Although R. Ovadiah is aware that if

he falls in line with the Ashkenazic *Da`as Torah* he will once again be welcomed in the *haredi* world as one of the *gedolei ha-dor*, he

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nevertheless holds fast to his views. The harshness of the attacks on both R. Ovadiah and Shas illustrate the political powerlessness of the *haredim* in the State of Israel. It is R. Ovadiah who has the power and influence. All the screaming about R. Ovadiah doing this and that, and about Shas rejecting the authority of the *gedolim*, are the desperate cries of people who no longer have any control over the party they helped create. Ever since Shas broke out on its own, it has been the dominant force in religious politics. It has held the purse strings and set the agenda (and with this has come the inevitable financial corruption that Shas figures have been involved in). In short, R. Ovadiah has become *the* religious powerbroker in the State of Israel.<sup>6</sup>

This is quite a success story considering that in 1992 R. Shakh famously declared that *Sefardim* were not yet capable of leading. This comment, coming after decades of discrimination against *Sefardim* in the Ashkenazic school system and society, was the straw that broke the camel’s back, causing Shas to break off on its own.<sup>7</sup> It led to a strong feeling of ethnic identification

<sup>5</sup> A. Halevi Horovitz, *Orhot Rabbenu Ba`al ha-Qebillot Ya`aqov* (Bnei Berak, 2005), vol. 5, pp. 66-67 (quoting R. Ya`aqov Yisra`el Kanevsky, the Steipler). See also *id.*, p. 173, to the effect that Kanevsky would use R. Ovadiah’s responsa, *Yabi`a Omer*, but only because it is a good reference work. Along these lines, when R. Isaac Jacob Weiss, author of responsa *Minhat Yitzhaq*, was still in Manchester, he often quoted R. Ovadiah. This ceased following his move to Jerusalem, where he became head of the *Edah Haredit*. (According to the Bar Ilan Responsa Project data base, *Yabi`a Omer* is quoted twenty-six times in *Minhat Yitzhaq* vols. 1-4, but not even once in vols. 5-10). Yet the “*hakham ehad*” with whom Weiss disputes in *Minhat Yitzhaq*, vol. 7, no. 27, is none other than R. Ovadiah. See *Yehaveh Da`at*, vol. 2, no. 62.

<sup>6</sup> Just before this article went to press, R. Ovadiah issued another ruling at one of his Saturday night *shi`urim* that is also sure to create controversy in the *haredi* world. He stated that if it is going to create problems, one need not insist on a *mehizab* at the wedding meal. See [www.nrg.co.il/online/11/ART1/498/181.html](http://www.nrg.co.il/online/11/ART1/498/181.html). The video can be seen at [www.maran1.com](http://www.maran1.com) (*derashot motza`ei shabbat*, 7 Marheshvan 5767).

<sup>7</sup> The contempt with which the *haredim* have treated the Sephardim is so well known that there is no need to dwell on it here (and it is paralleled by the long history of racism in the non-Orthodox Ashkenazic community). Suffice it to

with Shas by *Sefardim* of all levels of religious commitment. R. Shakh's picture was ripped up in development towns as people declared that they would never again vote for *Ashkenazim*. Shas plastered R. Shakh's patronizing words on walls throughout Israel, while loudspeakers passed through the streets playing the tape over and over, skillfully stoking the fires of anti-Ashkenazic sentiment that would redound to Shas's advantage.<sup>8</sup>

In truth, the Shas-Ashkenazic break was inevitable. Sefardic society was ripe for an ethnic party that would encompass the wider community—a community that, though not Orthodox, has a strong attachment to tradition. As for those *Sefardim* who had been educated in *haredi* institutions and had begun to create a Sefardic *haredi* culture, how long were they supposed to submit to the rule of Ashkenazic sages who conducted their deliberations in Yiddish and had no place at their table for Sefardic *gedolim*?

Here we come to R. Ovadiah's real significance, which is stressed in both biographies: It is R. Ovadiah who single-handedly restored pride to Sefardic Jewry. The slogan of Shas, "*le-haḥazir ateret le-yoshnah*," ("to return the crown to its glory"), says it all.<sup>9</sup> R. Ovadiah ushered in a new era, one in which *Sefardim* were no longer to be regarded—or regard themselves—as second-class citizens, either in society at large or in the Torah world. This was a great social achievement and is the reason why numerous non-Orthodox *Sefardim*

voted for Shas. As is well known, Sefardic society has a range of levels of observance, but even those who are not Orthodox usually have great respect for tradition and religious leaders. Shas was able to tap into these feelings with great success, and through the many schools it established was able to ensure that its message was passed on to the youth, many of whom have continued on for further study at Shas-affiliated *yeshivot* and *kolelim*.

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From this perspective, there is nothing surprising about the wide-ranging Sefardic support for Shas. Yet what makes R. Ovadiah's political achievement even more significant is that until the Gaza withdrawal, he and Shas were identified with dovish political positions. In addition, for decades now R. Ovadiah has enjoyed a good relationship with Shimon Peres. It has never been a secret that R. Ovadiah is firmly convinced that it is halakhically permissible to give back land if it would lead to peace.<sup>10</sup> The views of the typical Sefardic voter are much more in line with the right-wing parties, yet many of them have been willing to overlook their differences in political outlook in order to support R. Ovadiah. This is a testament to his incredible drawing power, and also to his strength of character

say that, despite any recent court decisions, Israel has not yet had its *Brown v. Board of Education*, and the *haredi* school systems continue to discriminate and see nothing wrong with having quotas on Sefardic children. Yet I would also note that Shakh's comment was not as bad as it appeared, and contrary to Chen and Pepper, was not "racist." Shakh was always a patron of Sefardic Torah students and strongly opposed the anti-Sefardic quotas. See Moshe Horowitz, *Ha-Rav Shakh: She-ha-Mafteah be-Yado* (Jerusalem, 1989), pp. 133-134. What Shakh meant, and the complete passage is found in *Ben Porat Yosef*, was that the *Ashkenazim*, due to their historical experiences, knew how to deal with the anti-Torah forces. It is with reference to this battle that Shakh declared that the *Sefardim* were not yet prepared to lead. Many would argue that Shakh actually showed prophetic insight, since shortly following this statement Shas agreed to join a government in which Shulamit Aloni was Minister of Education.

<sup>8</sup> See *Maran*, p. 316.

<sup>9</sup> See Omar Kilani, "Rabbi Ovadia Yosef and His 'Culture War' in Israel," *Middle East Review of International Affairs* 4 (Dec. 2000), pp. 22-29; Eitan Schiffman, "Schools and Votes: The Rise of the Shas Party in Israel," (unpublished doctoral dissertation, University of Colorado, 2003; called to my attention by Menachem Butler).

<sup>10</sup> See his "*Mesirat Shetahim mei-Erez Yisra'el bi-Meqom Pikuah Nefesh*," *Tehumin* 10 (1989), pp. 34-47.

in that he was willing to stick to his dovish positions even though he knew that he would be able to pick up more Knesset seats if he adopted a more hawkish outlook. While in recent years his assessment of the possibility of peace has soured, the principle that land for (real) peace is halakhically appropriate remains firm in his mind.

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One should not think that it is only Shas which, for political reasons, speaks about the Ashkenazic-Sefardic divide. R. Ovadiah himself has made a number of statements critical of Ashkenazic society. They are not only intended for the ears of the masses, as some reflect more serious concerns. For example, in the introductions to volumes 1 and 3 of his *magnum opus*, *Yabi`a Omer*, R. Ovadiah disputes with the yeshiva world's approach to Torah study, as it is focused on theoretical analysis rather than *halakhab le-ma`aseh* and also discourages students from studying *aharonim*.

All three books discuss one of R. Ovadiah's first acts as Chief Rabbi of Tel Aviv, in 1969, which was to permit *Sefardim* to marry between 17 *Tamuz* and 1 *Av*, contrary to Ashkenazic practice that forbids weddings during this period.<sup>11</sup> As R. Ovadiah explained, in previous years the great Sefardic rabbis in the State of Israel were not prepared to challenge the Ashkenazic hegemony in this area, but he had no such hesitation.<sup>12</sup> Along similar lines, R. Ovadiah rejected the *taqqanah* that was signed

by the first Sefardic Chief Rabbi of Israel, R. Ben Zion Uziel, together with his Ashkenazic counterpart, R. Isaac Herzog, banning *yibbum* in favor of *halizah*. While this *taqqanah* was instituted in order to establish one halakhic standard in Israel, R. Ovadiah saw it as a betrayal of the Sefardic halakhic tradition, which has preferred *yibbum* to *halitsah*.<sup>13</sup>

Although R. Ovadiah's responsa always show respect for Ashkenazic scholars, even when he is rejecting their opinions, this has not always been the case when he is speaking to his followers. Both of the biographies mention the storm that arose after R. Ovadiah downplayed the significance of the *Hazon Ish*,<sup>14</sup> who is regarded as the most important twentieth-century *haredi* figure, the one who was responsible for crafting the *haredi* response to the State of Israel. Yet R. Ovadiah has none of the feeling of awe when it comes to dealing with what is, for him, just another prominent Ashkenazic scholar. In this case he went so far as to declare that the *Hazon Ish* was not to be regarded as a *moreh hora'ah*, as he was only a private citizen without communal responsibilities. He furthermore "loved to be stringent, adding *humrot* on top of *humrot*!"<sup>15</sup> As for the Vilna Ga'on, whose stature is unquestioned among the *Ashkenazim*, here too R. Ovadiah has a different perspective. To give one example, after quoting the Ga'on R. Ovadiah writes: וּבְמַחְכֵּ"ת זֶה אֵינוּ ("and with all due respect to his honor, this is not so").<sup>16</sup> This type of language will never be found among Ashkenazic authorities, who tremble at the mention of the Vilna Ga'on.

<sup>11</sup> It is worth noting that in some Sefardic communities as well as in Yemen the *minhag* was identical to what the *Ashkenazim* observed.

<sup>12</sup> See *Yabi`a Omer*, vol. 6, *Orah Hayyim* no. 43.

<sup>13</sup> See *Yabi`a Omer*, vol. 6, *Even ha-Ezer* no. 14.

<sup>14</sup> See my "Of Books and Bans," *The Edah Journal* 3:2 (2003), p. 4 n. 18, for R. Zvi Yehudah Kook's similar effort.

<sup>15</sup> *Maran*, p. 318, *Ben Porat Yosef*, p. 260.

<sup>16</sup> *Yabi`a Omer* vol. 9, p. 416. See the surprised reaction of R. Shaul Yisraeli, *Havot Binyamin* (Kefar Darom, 1992), vol. 2, p. 217. From Yisraeli's letter it appears that in his original responsum R. Ovadiah was even sharper, writing "ve-leitd" after mentioning the Vilna Ga'on's opinion.

For those who only know the R. Ovadiah of today, who towers over Shas with great political clout, it will be surprising to read how the party itself was brought to prominence with the blessing and guidance of R. Shakh. In those early years R. Ovadiah was a pawn of the Ashkenazic *haredim*, who always took the Sefardic ultra-Orthodox for granted. The story of how R. Ovadiah finally summoned the courage to break out of the Ashkenazic hegemony and take Shas in a new direction is inspiring and speaks to his great motivation and his faith that the people would follow him.

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*He has accomplished the rare feat of altering the course of Torah history in a sociological and religious sense.*

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The *haredi* response was severe, as R. Ovadiah knew it would be, but as so often in his career he had made a shrewd move and it catapulted him to real political power. The notion that a Sefardic party with incredible drawing power should take orders from the Ashkenazic *haredim*, whose political clout was relatively insignificant, was an idea that only those with a paternalistic attitude towards the *Sefardim* could ever have imagined. Non-*haredim* reading the two biographies will likely feel some satisfaction at seeing the *haredi* parties dwarfed in representation by the very people they tried to convince were not worthy of deciding their own destiny.

In terms of his long-term significance, there is no question that R. Ovadiah is the most important Sefardic figure since R. Joseph Karo, and it can be truthfully stated that “from Yosef [Karo] to [Ovadiah] Yosef there has arisen none like Yosef.”<sup>17</sup> Unlike other *gedolim* who

were his contemporaries and were true giants of their time, such as R. Moses Feinstein and R. Shlomo Zalman Auerbach, R. Ovadiah is not only a giant for his generation, for he has accomplished the very rare feat of altering the course of Torah history in both a sociological and religious sense. Typically, even the greatest of *poseqim* have real influence only in their lifetimes, and after their deaths their influence soon begins to wane. There is no question that today the halakhic influence of the two outstanding figures mentioned earlier in this paragraph is nowhere near what it was during their lifetimes, when they dominated Torah Jewry.<sup>18</sup> Yet, the halakhic enterprise that R. Ovadiah created has altered permanently the halakhic tradition of Sefardic Jewry.

R. Ovadiah’s tendency is to be lenient, and in the months leading up to his election as Chief Rabbi he publicly stated that his approach, and that of the Sefardic rabbinate in general, was that of Beit Hillel. He contrasted this with the Ashkenazic sages who push *humrot* and are followers of Beit Shammai. While there are exceptions to this lenient tendency, most notably his consistent ruling that *sheitls* (wigs) are forbidden,<sup>19</sup> his tendency is certainly in the other direction. Examination of his many responsa dealing with issues of *mamzerut* and *agunot* show a man keenly aware of his responsibility and almost always able to arrive at a lenient decision. Today there is no doubt that the final address for the most complicated problems of personal status is R. Ovadiah.

In other issues as well we see this lenient tendency. The *kasbrut* of gelatin is an example. The American Orthodox

<sup>17</sup> R. Ovadiah himself uses this expression with regard to R. Joseph Karo and the *Hida*, R. Hayyim Joseph David Azulai. See *Yehaveh Da`at*, vol. 6, p. 261 (quoting R. Judah Sid, *Ner Mizvab* [Salonika, 1810], vol. 1, p. 186a).

<sup>18</sup> To give just two examples by way of illustration, from matters currently in the news: R. Moses Feinstein’s position that an *eruv* could not be erected in Brooklyn is no longer taken seriously by many of the residents, but during his lifetime was virtually unchallenged. R. Shlomo Zalman Auerbach declared that the notion that the Sages’ scientific knowledge was imperfect is an acceptable, though not the mainstream, approach. See R. Joseph Isaac Lerner, *Shemirat ha-Guf ve-ha-Nefesh* (Jerusalem, 1992), vol. 1, p. 54. Yet during the Slifkin controversy, the *haredi gedolim* in Israel, led by R. Yosef Shalom Elyashiv, declared that this position can no longer be tolerated.

<sup>19</sup> *Yabi`a Omer*, vol. 4, *Even ha-Ezer* no. 3, vol. 5, *Even ha-Ezer* no. 5.



community has generally followed the rulings of R. Aaron Kotler and R. Moses Feinstein that gelatin is not kosher, and this policy is adhered to by the major *kashrut* organizations. If anything is able to change matters in the United States, it is R. Ovadiah's emphatic responsum that all gelatin, whether from bones or pigskin, is kosher.<sup>20</sup> Similarly, his responsum arguing that one dishwasher is sufficient for both meat and dairy,<sup>21</sup> eminently reasonable on pure halakhic grounds, goes against the consensus in the United States, but as with all consensuses, this is liable to change. Another great leniency, which would be unthinkable in this country, is his ruling that a restaurant that serves milk products immediately after meat, or even together if they are both cold, must be given a *hashgahah* if it is requested. He terms this obligation a *hovah qedosah* (sacred obligation), since by giving the *hashgahah* the rabbinate prevents even more serious violations of kashrut.<sup>22</sup> I have noticed that even when it comes to using hot water on the Sabbath, R. Ovadiah shows flexibility. Although in an early responsum he ruled that it is forbidden (*asur*),<sup>23</sup> in his most recent volume of responsa he explains why it should be permitted, concluding that nevertheless it is better to avoid using (*ra'ui le-bahmir*) the hot water. He is careful not to use the word "forbidden", implying that in certain cases, e. g., children, old people, an *istenis* (person of delicate constitution) it is permitted.<sup>24</sup>

Operating in an environment removed from Conservative Judaism, and thus not feeling any threat to the halakhic process from those with an alternative halakhic vision, R. Ovadiah is able to reach decisions without considering the meta-halakhic dimensions so popular in

Ashkenazic responsa. A prime example of this is his responsum dealing with the *bat mitsvah* celebration, concerning which much ink has been spilt focusing on meta-halakhic concerns that lead to a negative view of the practice. In R. Ovadiah's responsum permitting the *bat mitsvah* celebration, such concerns are conspicuously absent.<sup>25</sup>

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*R. Ovadiah reaches decisions without considering the meta-halakhic dimensions so popular in Ashkenazic responsa.*

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R. Ovadiah's vision is clear, namely, a Torah society in which the Sefardic authorities lead. The *halakhot* of this society are to be decided in accordance with R. Joseph Karo's opinion in the *Shulhan Arukh*. In some of his writings one gets the sense that R. Ovadiah also regards *Ashkenazim* as bound in this way, as the Land of Israel is the "place of *Maran* [R. Karo]." But at other times one must conclude the opposite, that he is only speaking to *Sefardim*. If this were not the case, it would make no sense for him to discuss a practice such as *kitniyot* (avoiding consumption of legumes on Passover) without noting that in Israel even *Ashkenazim* can dispense with it. In fact, however, his responsa assume that *Ashkenazim* are indeed bound by this custom.<sup>26</sup>

Yet even with regard to *Sefardim*, R. Ovadiah's position—held since his youth—has proven quite controversial. It first came to the fore when as a young man he lectured before his own Iraqi community. During these *shi'urim* he dissented numerous times from the rulings of the *Ben Ish Hai*, the

<sup>20</sup> *Yabi'a Omer*, vol. 8, *Yoreh De'ab* no. 11.

<sup>21</sup> *Yabi'a Omer*, vol. 10, *Yoreh De'ab* no. 4.

<sup>22</sup> *Yabi'a Omer*, vol. 4, *Yoreh De'ab* no. 7. See R. Eliezer Waldenberg's strong opposing view, *Ziq Eli'ezer*, vol. 11, no. 55, and R. Ovadiah's response, *Ziq Eli'ezer*, vol. 12, p. 242, *Yabi'a Omer*, vol. 8, *Yoreh De'ab* no. 12.

<sup>23</sup> *Yabi'a Omer*, vol. 4, *Orah Hayyim* no. 35.

<sup>24</sup> *Yabi'a Omer*, vol. 10, p. 117.

<sup>25</sup> *Yehaveh Da'at*, vol. 2, no. 29.

<sup>26</sup> See *Yabi'a Omer*, vol. 5, *Orah Hayyim* no. 37, *Yehaveh Da'at*, vol. 1, no. 9, vol. 5, no. 32. See also *Yehaveh Da'at*, vol. 1, no. 68, where he explicitly states that his strong criticism of women reciting a blessing on *mizvot aseh she-ba-zeman*

unquestioned halakhic guide of the Iraqis. In recalling those days, R. Ovadiah mentions that he received encouragement from his teacher, R. Ezra Attieh,<sup>27</sup> but his actions were controversial and turned a segment of his community, including many rabbis, against him. The opposition reached its peak in the early 1950's when the Iraqi community came close to putting him in *herem*. As it was, people disrupted his *shi`urim* and there were some that burnt his newly published *Hazon Ovadiab*. For them it was unforgivable that R. Ovadiah could dare assert that their communal practices, based on the rulings of the outstanding sage, R. Joseph Hayyim, were no longer binding in the Land of Israel when they conflicted with the opinion of R. Joseph Karo.

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*He is the first poseq to make such a far-reaching claim as to the significance and binding nature of the Shulhan Arukh.*

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In fact—and this point is not stressed adequately in any of the books under consideration—R. Ovadiah's position is hardly traditional. As far as I know, he is the first *poseq* in history to make such a far-reaching claim as to the significance and binding nature of the *Shulhan Arukh* in its entirety. Previous decisors recognized that various communities had long-standing practices that diverged from the *Shulhan Arukh*, and that since these practices had the sanction of great rabbinic authorities they could not be abolished. Yet R. Ovadiah is less tolerant than this, and for reasons I cannot comprehend, insists on a uniformity under the *Shulhan Arukh*'s rulings that R. Joseph Karo himself never insisted on.

Despite this insistence, which is repeated again and again throughout his works, there are times when R. Ovadiah in fact differs from the *Shulhan Arukh*, and not because he is following any pre-*Shulhan Arukh* practice. The divergence in some cases is so striking that it surprises me that Lau makes no mention of it. To give one example that is of constant relevance, according to R. Ovadiah, a *Sefardi* may eat at a restaurant in which a non-Jew cooked the food and the only involvement of the Jew was in turning on the fire.<sup>28</sup> Understandably, this makes life much easier for those who enjoy restaurants, where, at least in the United States, most establishments rely on this practice. Yet this is in direct contradiction to what R. Joseph Karo rules in *Yoreh De`ab* 113:7, and R. Ovadiah arrives at his decision by using a *sefeq sefeiq* (a compound uncertainty regarding the existence of the prohibited condition) even though the *Shulhan Arukh* rejects each of the uncertainties.<sup>29</sup> According to R. Joseph Hayyim, such a *sefeq sefeiq* is invalid,<sup>30</sup> yet R. Ovadiah relies on other authorities to reach an opposing conclusion.

Let me offer another example where R. Ovadiah diverges from the *Shulhan Arukh*, this time based on a long-standing practice in the Land of Israel. R. Ovadiah rules that at a *berit milah* (circumcision), the blessing should be recited before the circumcision,<sup>31</sup> even though the *Shulhan Arukh* rules that it be recited following *milah* and before *peri`ah* (uncovering the corona).<sup>32</sup> This is hardly a unique case, and while Lau only cites a couple of such examples, R. Shlomo Toledano cites another fifteen,<sup>33</sup> and more can easily be added to his list.<sup>34</sup> This would

*gerama* is not directed to the Ashkenazic community.

<sup>27</sup> See *Halikhot Olam* (Jerusalem, 1998), vol. 1, p. 5. See also *ibid.*, pp. 8-9 and *Yehaveh Da`at*, vol. 4, no. 45, where he defends himself further.

<sup>28</sup> *Yehaveh Da`at*, vol. 5, no. 54.

<sup>29</sup> R. Yitzhak Abadi independently arrives at the same conclusion. See *Or Yizhuq* (Jerusalem-Lakewood, 2003), *Yoreh De`ab* no. 24. As many are by now aware (thanks to the popularity of [www.kashrut.org](http://www.kashrut.org)), Abadi has a unique halakhic approach which merits its own study.

<sup>30</sup> *Rav Pe`alim*, vol. 2, *Yoreh De`ab* no. 7, vol. 3, *Yoreh De`ab* no. 9.

<sup>31</sup> *Yabi`a Omer*, vol. 7, *Yoreh De`ab* no. 21.

<sup>32</sup> *Yoreh De`ab* 265:1. The Moroccan practice is in accord with the *Shulhan Arukh*. See R. Eliyahu Biton, *Netivot ha-*

not be significant but for the fact that elsewhere R. Ovadiah insists with great stridency on the primacy of the *Shulhan Arukh*. He does so not simply when dealing with kabbalistically based divergences, but even with regard to practices of long standing, meaning that there is a problem of consistency in his writings.<sup>35</sup>

Perhaps the strangest example I have found in this regard relates to *Birkat Kobanim* (the priestly blessing). According to the *Shulhan Arukh*, *kobanim* are to begin the blessing by reciting the first word, without waiting for the *hazzan* to call it out.<sup>36</sup> This was the opinion of R. Sa'adiah Gaon<sup>37</sup> and Maimonides,<sup>38</sup> and R. Joseph Karo testifies that this was the practice “in the entire kingdom of the Land of Israel and Egypt.”<sup>39</sup> It was also the practice in Iraq, and R. Joseph Hayyim testifies that he was able to change things so that the *hazzan* recited the first word out loud, as this is in line with kabbalistic considerations.<sup>40</sup> This would appear to be a perfect case where one would expect R. Ovadiah to follow his pattern of defending the *Shulhan Arukh* against the kabbalistically based objections of R. Joseph Hayyim. Yet for

reasons that are never explained, R. Ovadiah agrees with R. Joseph Hayyim and informs us that when he became chief rabbi of Tel Aviv he was able to convince the *kobanim* in his synagogue to abandon the *Shulhan Arukh's* ruling. “And now the practice has changed in virtually all the synagogues of Jerusalem, and they call out to the *kobanim* also the word “*yevarekheka*”.<sup>41</sup>

There is another problematic element of R. Ovadiah's relationship with R. Joseph Karo that Lau does not mention. Despite R. Ovadiah's acceptance of the *Shulhan Arukh*, he also maintains that if there is a position of the major *rishonim* that R. Karo was unaware of, such as in a newly published responsum, especially from one of the three *rishonim* that the *Shulhan Arukh* is generally based upon, then the *Shulhan Arukh's* ruling is not necessarily to be followed. The reason for this is that R. Ovadiah operates on the assumption that if R. Joseph Karo had known of this responsum, then he would have decided the halakhah differently.<sup>42</sup> This is a controversial stance based on a dubious assumption,<sup>43</sup> and shows that R. Ovadiah is

*Ma'arav* (Jerusalem, 1998), p. 138; R. Michael Azrad, *Torat Imekha* (Ma'alot, 2000), pp. 124ff.; R. Shlomo Toledano, *Divrei Shalom ve-Emet* (Jerusalem, 2000), vol. 1, pp. 119-120.

<sup>33</sup> *Divrei Shalom ve-Emet* (Jerusalem, 2005), vol. 2, pp. 159ff.

<sup>34</sup> See e. g., *Yabi'a Omer*, vol. 4, *Yoreh De'ab* no. 25:4.

<sup>35</sup> Another example of inconsistency, particularly noteworthy because the responsa appear in the same volume only a few pages away from each other, is *Yabi'a Omer*, vol. 9, *Orah Hayyim* nos. 105 and 108. In the former responsum, p. 225, R. Ovadiah states that the acceptance of R. Joseph Karo's view is not *mi-torat vadai*, but *mi-torat safeq*, and therefore one can use a *sefeq sefeiq* in order to oppose a ruling of the *Shulhan Arukh*. Yet in no. 108, pp. 228-229, he states the exact opposite, that the acceptance of R. Joseph Karo is “*mi-torat vadai*,” and the reason one can use a *sefeq sefeiq* against the *Shulhan Arukh* is because of R. Ovadiah's assumption that had Karo known of the opposing views that create the *sefeq sefeiq*, he too would have decided leniently. For other examples where R. Ovadiah uses this dubious principle, see R. Yitzhak Yosef, *Kelalei ha-Hora'ah: Kelalei ha-Shulhan Arukh*, no. 45 (found in vol. 1 of the new eds. of *Yehaveh Da'at*).

<sup>36</sup> *Orah Hayyim* 128:13.

<sup>37</sup> See Israel Davidson, et al., eds., *Siddur Rav Sa'adiah Ga'on* (Jerusalem, 1979), p. 39 (Hebrew numerals).

<sup>38</sup> *Commentary on the Mishnah, Berakhot* 5:4, *Mishneh Torah, Hilkhot Tefillah*, 14:3.

<sup>39</sup> *Beit Yosef, Orah Hayyim* 128:13. R. David Arama also testifies that this was the practice in the Land of Israel. See his *Perush al ha-Rambam* (Amsterdam, 1706), *Hilkhot Tefillah* 14:3.

<sup>40</sup> *Rav Pe'alim*, vol. 3, *Orah Hayyim* no. 5, *Ben Ish Hai, parasbat Tezaveh*, no. 1.

<sup>41</sup> *Yalkut Yosef* (Jerusalem, 2004), *Orah Hayyim* 128, p. 284.

<sup>42</sup> See e. g., *Yabi'a Omer*, vol. 7, *Orah Hayyim* no. 53:7: “It is certain that had *Maran ha-Shulhan Arukh* seen all the aforementioned *rishonim* . . . he would have ruled in accordance with their opinion.” See similarly *Yabi'a Omer*, vol. 5, Introduction, vol. 6, *Orah Hayyim* nos. 15:11. 26:5, vol. 7, *Yoreh De'ab* no. 21:7, vol. 8, *Orah Hayyim* no. 23:33, *Yoreh De'ab*, no. 24:8, *Yehaveh Da'at*, vol. 2, no. 42, vol. 4, no. 19, *Yalkut Yosef, Shabbat*, vol. 1, pp. 580-582.

actually less of a defender of the *Shulhan Arukh's* primacy than his rhetoric would lead one to believe.<sup>44</sup>

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*If R. Karo was unaware of a position of the major rishonim, the Shulhan Arukh's ruling is not necessarily followed.*

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R. Ovadiah himself uses newly published responsa to overturn long-standing practices, and a good example of this is his ruling that one must not rise for the reading of the Ten Commandments. Although he notes that previous authorities, including R. Hayyim Joseph Azulai, permitted this, they were all unaware of a responsum of Maimonides that forbids doing so.<sup>45</sup> Based on this responsum, R. Ovadiah feels no compunction about forbidding an extremely widespread practice.<sup>46</sup>

Returning to R. Ovadiah's (usual) insistence on the primacy of the *Shulhan Arukh*, let me cite an example to illustrate the difficulties his position has created. There is an old question whether women may recite a blessing on positive time-bound commandments (such as

taking the *lulav*), since they are not obligated to perform them. The *Shulhan Arukh, Orach Hayyim* 589:6, rules that they may not, but R. Moses Isserles defends the practice. This is a continually relevant dispute since every year women take the *lulav*. Despite the *Shulhan Arukh's* ruling, in many Sefardic communities women did make the blessing over the *lulav*, and they were reflecting long-standing tradition that predated the *Shulhan Arukh* and was supported by some of Sefardic Jewry's most outstanding halakhists.<sup>47</sup>

Yet for decades now R. Ovadiah has been intent on ensuring that all *Sefardim* adopt the *Shulhan Arukh's* ruling, which means that many *Sefardim* are being called upon to abandon a centuries-old practice which R. Ovadiah considers to be nothing less than a *berakhab le-vatalah* (a blessing uttered in vain).<sup>48</sup> In fact, in this case it isn't even a matter of R. Ovadiah acknowledging the validity of the practice in the Diaspora while insisting that in Israel all must bow to the authority of the *Shulhan Arukh*.<sup>49</sup> Rather, he is strongly opposed to Sefardic women reciting the blessing no matter where they

<sup>43</sup> See R. Yaakov Hayyim Sofer, *Berit Ya'aqov* (Jerusalem, 1985), pp. 310ff.

<sup>44</sup> In this regard, there is one further point worth noting. In his classic responsum permitting the "sale" of Israeli land to Arabs during the Sabbatical year, one of the premises upon which he relies is the view shared by some *rishonim* that there is no longer even a rabbinical obligation to observe *shemittah*. Yet this is in direct contradiction with the *Shulhan Arukh's* ruling, *Yoreh De'ah* 331:19. R. Ovadiah's responsum is found in *Yalqut Yosef, Mizvot ha-Tehiyot ba-Areẓ*, pp. 639-715.

<sup>45</sup> This responsum first became known when it was published in A. H. Freimann, ed., *Teshuvot ha-Rambam* (Jerusalem, 1934), no. 46. A sentence from the original Arabic version of this responsum appears in R. Jacob Castro, *Obalei Ya'aqov* (Livorno, 1783), no. 33 (p. 57a).

<sup>46</sup> *Yehaveh Da'at*, vol. 1, no. 29.

<sup>47</sup> See R. Yaakov Hayyim Sofer, *Shelom Ya'aqov* (Jerusalem, 1999), pp. 168ff.

<sup>48</sup> See *Yabi'a Omer*, vol. 1, *Orach Hayyim* nos. 39-42, *Yehaveh Da'at*, vol. 1, no. 68. Again, however, I must point out that R. Ovadiah is inconsistent. When it comes to the morning blessings, which according to *Shulhan Arukh, Orach Hayyim* 46:8, should only be recited if relevant to one's circumstance (e.g., if one heard a rooster crow), R. Ovadiah affirms the general practice, based on R. Isaac Luria, to say all the blessings as a matter of course. See R. Hayyim Vital, *Sha'ar ha-Kavvanot* (Salonika, 1852), p. 1b; *Yehaveh Da'at*, vol. 4, no. 21. The inconsistency is magnified since R. Ovadiah is usually adamant that the *Shulhan Arukh's* ruling cannot be set aside due to kabbalistic considerations (see Lau, pp. 290ff). With regard to his opposition to women reciting a blessing on the *lulav*, R. Ovadiah has a further problem because he accepts the principle *safek berakhot le-haqel bi-megom minbag lo amrinan* (where there is a custom to recite a blessing, we do not apply the principle that in a case of uncertainty, the blessing is not to be recited) and is therefore forced to say that this only applies to valid customs that have rabbinic support (*Yabi'a Omer*, vol. 1, *Orach Hayyim*, no. 40:14-15). Yet despite what R. Ovadiah states, there is no question, as his own responsa clearly illustrate, that recitation of *berakhot* on *mitzvot aseh she-ha-zeman gerama* has plenty of rabbinic support and must therefore be regarded as a valid *minbag*.

<sup>49</sup> One such example is R. Ovadiah's view of the recitation of *Hallel* with a blessing on Rosh Hodesh. He

live. While some rabbinic figures have attempted to defend their communities' practice, faced with the overwhelming authority and charisma of R. Ovadiah, this has become a very difficult task.

In addition to this, R. Ovadiah's son, R. Yizhak, has published the very popular *Yalqut Yosef*. This is nothing less than a new halakhic code based on R. Ovadiah's writings, and it too has helped in uprooting the practice. Finally, and perhaps most important, have been the various *siddurim* published by R. Ovadiah and others who follow his rulings, which play an enormous role in guiding the masses in matters like this. Not surprisingly, the full-court press by what can be termed "Team R. Ovadiah" has been very successful in uprooting the variety of local practices that developed in the Sefardic diaspora and creating a unified Sefardic Land of Israel practice.

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*He has been intent on ensuring that all Sefardim adopt the Shulhan Arukh's ruling, which means that Sefardim abandon a centuries-old practice.*

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While most *Sefardim* have fallen into line, this is not the case with the Moroccans. Perhaps the one figure who had the credentials to stand up to R. Ovadiah in the defense of local practice, and carry along a following, was R. Shalom Messas, late Chief Rabbi of Jerusalem and, prior to that, Chief Rabbi of Morocco. He refused to acknowledge that just because Moroccans were now in Israel that they were obligated to abandon their time-honored

traditions in favor of the *Shulhan Arukh's* rulings. Following his lead, numerous works by Moroccan rabbis have recently appeared, recording Moroccan practices and demonstrating their legitimacy, all the while showing great respect for R. Ovadiah, who despite this dispute is regarded by most of the Moroccans as the *gadol ha-dor* (leading Torah sage of the generation).<sup>50</sup>

Another interesting example where R. Ovadiah has taken on a widespread Sefardic practice concerns the lighting of Shabbat candles. According to the common and most likely understanding of *Shulhan Arukh, Orach Hayyim* 263:5, one is supposed to recite the blessing and then light the candles.<sup>51</sup> R. Ovadiah has ruled that this is how Sephardic women must conduct themselves.<sup>52</sup> However, in many Sephardic communities the long-standing practice was in line with the Ashkenazic practice of first lighting the candles and then reciting the blessing.<sup>53</sup> This practice was supported by the *Hida*,<sup>54</sup> whose dominant position among the *Sefardim* is seen in the fact that until modern times, he was the only authority other than R. Joseph Karo who was routinely referred to as *Maran* ("our master").

By insisting that women first recite the blessing and then light, R. Ovadiah also went against the practice of his own Iraqi community. As mentioned above, before R. Ovadiah's rise to prominence, R. Joseph Hayyim (*Ben Ish Hai*), was held by the Iraqis as the unquestioned authority, and he affirmed the practice of first lighting and

acknowledges the legitimacy of this practice for Jews in Morocco, but insists that they alter their practice upon arrival in Israel, in accordance with *Shulhan Arukh, Orach Hayyim* 424:2. See *Yalqut Yosef, Hilkehot Birkhot ha-Shahar*, pp. 12ff; *Hilkehot Tefillin ve-Sefer Torah*, pp. 104ff.

<sup>50</sup> See Biton, *Netivot ha-Ma'arav*; Azrad, *Torat Imekha*; Toledano, *Divrei Shalom ve-Emet*; R. Raphael Moshe Dluay, *Zokher Berit Avot* (Har Berakhah, 2004); R. Kefir Barukh Mevorakh Dadon, *Noheg Bam* (Jerusalem, 2005); R. Shalom Messas, *Yalkut Shemesh*, ed. Eliyahu Aryeh Edrei (Jerusalem [2005]); R. Mordechai Akiva Aryeh Lebar, *Magen Avot* (Jerusalem, 2005).

<sup>51</sup> I say "common and most likely understanding" since the wording of the *Shulhan Arukh* is ambiguous, and some have understood it to mean lighting and then blessing.

<sup>52</sup> *Yabi'a Omer*, vol. 2, *Orach Hayyim* no. 16, *Yehaveh Da'at*, vol. 2, no. 33.

<sup>53</sup> See Toledano, *Divrei Shalom ve-Emet*, vol. 2, p. 52.

<sup>54</sup> *Mahaziq Berukhab, Orach Hayyim* 263:4.

then blessing.<sup>55</sup> Shabbat candle lighting is a ritual that is enveloped in holiness for women, who perform it the same way their mothers taught them. Yet R. Ovadiah was willing to take on such a practice.

By now, R. Ovadiah's victory is nearly complete. He has been able to accomplish almost the impossible, namely, influence thousands of women to change a well-entrenched practice. While his ideological adversary R. Mordechai Eliyahu, who represents the old guard of the Iraqi community, continues to assert the primacy of the *Ben Ish Hai's* opinion, and attempts to hold the line through his *Siddur Qol Eliyahu*, he cannot compete with the popularity or scholarship of R. Ovadiah. Yet make no mistake about it: by declaring that a practice which has such deep roots in the Sefardic halakhic tradition creates a problem of *berakhab le-vatalab*,<sup>56</sup> it is R. Ovadiah who is radical and revolutionary, a fact which very few realize.

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*I never encountered such a mind in academia.*

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Finally, I must say a word about the most astonishing feature of R. Ovadiah's writings, and that is his breath-taking *beqi`ut*, an encyclopedic knowledge the likes of which has never been seen in Jewish history. There have been great *beqi`im* prior to R. Ovadiah, and I think of R. Joseph Zechariah Stern and R. Hayyim Palache as two examples. But neither of them can compare to R. Ovadiah, if only because in the intervening century the responsa literature has more than doubled in terms of published works. R. Ovadiah has mastered all of it and continues to master every new volume of any significance that appears. The knowledge that his mind encompasses is beyond belief and hard to describe. It is the product of an unequalled memory that has no

use for the various electronic data bases that have made *beqi`ut* less valuable in this day and age.

I was recently asked if I have ever encountered such a mind in academia. Indeed, I have not. Yet this question led me to consider how someone like R. Ovadiah would be viewed in the academic world. This helps us understand why the Lithuanian yeshiva world has been less than overwhelmed by him. Considering the famous twentieth-century Lithuanian *roshei yeshiva*, you find personages with great minds who were able to produce stunning new talmudic insights. Had R. Aaron Kotler, for example, not remained in the yeshiva world, he could have used his great intellect in some other field. Had R. Joseph B. Soloveitchik not devoted himself to Torah, he could have excelled in philosophy, mathematics, or any other field to which he set his mind. The same can be said about the other Lithuanian Torah geniuses.

In contrast, when one surveys the work of R. Ovadiah, one finds not analytical brilliance, but a photographic memory that marshals a dazzling array of materials—and by the standards of the both the academic and the Lithuanian yeshiva worlds, this does not count for much. In the academic world one is judged by the significance of one's publications, and in the yeshiva world by the profundity of one's *shi`urim* (lectures). In the academic world a photographic memory may not even get one an interview, and in the Lithuanian yeshiva world he will not be regarded as suitable to offer *shi`urim*.

This is the challenge that R. Ovadiah presents to those in the academic and Lithuanian yeshiva worlds, where for good or bad, his type of knowledge is good for casual

<sup>55</sup> Unlike other practices that R. Ovadiah attempted to change, candle lighting appears to have been one on which the Baghdad community was split before the *Ben Ish Hai* issued his ruling. See R. Isaac Nissim, *Yein ha-Tov* (Jerusalem, 1979), vol. 1, p. 39.

<sup>56</sup> In *Yabia Omer*, vol. 2, *Orav Hayyim* no. 16, he states that it is a *berakhab le-vatalab*. However, in *Yehaveh Da'at*, vol. 2, no. 33, he states that it is a *safeq issur berakhab le-vatalab*.

conversation, but has little true significance. Looking at the truly groundbreaking thinkers, such as those winning Nobel prizes or those reinventing fields in the humanities and social sciences, I cannot recall any with photographic memories. Having such a memory may even stand in the way of one's mind charting new directions and creating new paradigms—the true stuff of genius. From an academic perspective, as well as from the outlook of the Lithuanian yeshiva world, it must be said that in the final analysis R. Ovadiah's great knowledge amounts to a collection of facts, an encyclopedia, without real and lasting scholarly significance.

While R. Ovadiah is certainly a great technician, able to collect sources and come to conclusions by balancing views off one another, we are not confronted by any advanced thinking or grand theories that make a contribution to knowledge. There are no *hiddushim* (novellae) in the classic sense in R. Ovadiah's writings. Even in his responsa, which overwhelm one with their sheer breadth, one finds that on almost every page R. Ovadiah cites a view, notes that this view is not *mukhrab* (necessary), and then cites a group of *aharonim* who disagree with this view. Yet hardly ever does he explain *why* the rejected opinion is wrong, or how its author has misread the Talmud or *rishonim*.

There is something deeply unsatisfying about declaring that an opinion is to be rejected because it is contradicted by a group of other scholars. It is not hard to see why someone trained in a great Lithuanian yeshiva would not regard this as a proper approach to *pesaq*. In the Lithuanian Torah tradition, a *poseq* is engaged in a search for truth, and if such a *poseq* feels that his interpretation is correct, then the fact that ten *aharonim* have a different opinion is irrelevant. To convince this *poseq* that his view should be rejected, one must

show how he has misinterpreted the sources, rather than point out that many others disagree.

As mentioned above, Lau's volume is a study of R. Ovadiah's halakhic method and is an excellent introduction to his works.<sup>57</sup> Among the topics he discusses, particularly important are the roles of R. Joseph Karo and Kabbalah in R. Ovadiah's system. He does not present much in the way of comparing R. Ovadiah to other *poseqim*, and he makes no use of the numerous academic studies focusing on Jewish law. For some this will be seen as a drawback, while others will view it positively. Scholars who themselves have gone through R. Ovadiah's writings will not find much in the way of illumination, and will regard Lau's book as more of an encyclopedia of R. Ovadiah's views on the gamut of issues that he has been confronted with. On the other hand, for those not familiar with R. Ovadiah's corpus, there is nothing better than Lau's book as an introduction to the significant aspects of R. Ovadiah's halakhic *oeuvre*.

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Lau has done a magnificent job in culling this material from R. Ovadiah's many writings. He also had access to R. Ovadiah's early notebooks, written while he was still a teenager. While these are not of any great significance, they do offer a perspective on the youthful prodigy that was until now hidden from view. No doubt some will regard as a weakness Lau's avoidance of any discussion of R. Ovadiah's public role, yet this is not a serious criticism. Lau makes clear that he is not attempting a complete

<sup>57</sup> A more sophisticated treatment of R. Ovadiah's halakhic system, which shows awareness of modern discussions of identity and gender, is Ariel Picard, "*Pesiqato shel ha-Rav Ovadiah Yosef le-Nokhah Temurot ha-Zeman*" (unpublished doctoral dissertation, Bar Ilan University, 2004). It is soon to be published by Bar Ilan University Press.

<sup>58</sup> *Yabi'a Omer*, vol. 3, *Yoreh De'ah* no. 9.

study of the man's life, and his book should be regarded in the same genre as the numerous studies of Maimonides' halakhic writings that rightfully avoid focusing on the latter's biography. R. Ovadiah is so significant that one book can simply not do justice to his multifaceted nature and significance, and the two biographies, which are very limited in their halakhic discussions, can serve as good introductions to Lau.

Lau's book does not offer a critical perspective. He gives us the facts without trying to get under the surface and determine if there are meta-halakhic forces motivating R. Ovadiah in reaching his conclusions. Unfortunately, Lau is satisfied with offering a competent summary of R. Ovadiah's views without asking any hard questions or seriously analyzing the problems and inconsistencies presented by R. Ovadiah.

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*Nothing is better than Lau's book as an introduction to R. Ovadiah's oeuvre.*

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For example, Lau discusses R. Ovadiah's attitude towards Judah David Eisenstein's Hebrew encyclopedia, *Oẓar Yisra'el* (pp. 137-139). He first notes that in a responsum about the permissibility of using the secular calendar, R. Ovadiah cites *Oẓar Yisra'el* as a source that the secular year is not to be traced to Jesus' birth, since he was actually born before the beginning of the Common Era.<sup>58</sup> Lau notes that R. Ovadiah is not consistent in how he relates to this encyclopedia. In R. Ovadiah's responsum dealing with the halakhic status of the Ethiopian Jews, he refers to R. Eliezer

Waldenberg's reliance on *Oẓar Yisra'el* to demonstrate that they are not descended from Jews and harshly attacks Waldenberg for relying on this work, "which contains some matters of heresy."<sup>59</sup> Lau is content to note the inconsistency without probing further if perhaps this can be explained by R. Ovadiah's eagerness to conclude that the Ethiopians were Jewish, which led him to delegitimize *Oẓar Yisra'el* in this case. It appears likely that the delegitimization is ad hoc polemical rather than substantive, and thus able to be used when R. Ovadiah feels warranted.<sup>60</sup>

As noted, this is hardly the only example of R. Ovadiah's inconsistency. Those who study his writings know that there are times when in one responsum he will rely on a view advocated by a certain *aharon*, and in another responsum he will reject this view. Some of these examples are no doubt to be explained by R. Ovadiah changing his mind, but the problem is that, for some mysterious reason, he doesn't tell you that he has changed his mind and that his earlier decision is to be reversed.<sup>61</sup> The reader is therefore confronted with two contradictory decisions arrived at by mutually exclusive arguments. In fact, it is often the case that the word "argument" is too strong. Thus, R. Ovadiah can cite book X and then state that book Y has disproved book X, without telling us anything substantive about why book Y is to be preferred. In another place he can say the exact opposite, namely, that book Y is to be rejected in favor of book X, again without offering any substantive reason.<sup>62</sup>

<sup>59</sup> *Yabi'a Omer*, vol. 8, *Even ha-Ezer* 11:3.

<sup>60</sup> For another negative comment about *Oẓar Yisra'el*, see *Yalqut Yosef, Orah Hayyim* 131, p. 415.

<sup>61</sup> R. Ovadiah's son, R. Yitzhak, has called attention to a number of examples where his father changed his mind. See *Yalqut Yosef, Hilkhot Tefillin ve-Sefer Torah*, pp. 5ff.

<sup>62</sup> See, e. g., his *baskamah* to R. Yehoshua Mamon, *Emeq Yeboshu'a* (Jerusalem, 2001), vol. 6. In his reply, Mamon notes that while in his *baskamah* R. Ovadiah quotes the *Hida* and then states that the *Erekh ha-Shulhan* has proved differently, in *Yabi'a Omer* it is the *Hida* that is the accepted view and *Erekh ha-Shulhan* the one he rejects. In *Yabi'a Omer*, vol. 9, p. 225, R. Ovadiah responds to Mamon by stating that he changed his mind and the *baskamah* represents his current opinion. Had Mamon not called attention to the contradiction, this point would not have been clarified. Many other such contradictions remain.



As mentioned already, this is a problem throughout R. Ovadiah's responsa. He will state that a position is not compelling because it has been rejected by books X, Y, and Z (and often ten more) without explaining why, in any substantive way, the logic of these latter sources is to be preferred, or why even with their greater numbers they are qualitatively superior to the *poseqim* who hold the opposing position.. After all, I would think that one Hazon Ish, R. Isaac Herzog, or R. Moses Feinstein will often equal at least five other twentieth-century decisors. Because of the problems I have described, I have no doubt that R. Ovadiah's form of halakhic "number-crunching" will lead some to conclude that, for reasons of his own, he sometimes manipulates the sources. I am not asserting that this is so, but it is certainly something that must be examined in a study of his halakhic method. Yet Lau avoids doing so.

Most surprising for what has been billed as an academic work, Lau even includes a letter from R. Ovadiah at the beginning of the book, in which he praises the volume just as he does in the numerous *haskamot* he writes for traditional

rabbinic works. While Lau's purpose in including this letter might be to increase sales by showing R. Ovadiah's many followers that this is a "kosher" academic work of which the master himself approves, it demonstrates that Lau lacks the requisite scholarly distance from the subject of his research. A work that is written with the idea of achieving approval from its subject is one in which scholarship has been subverted to a form of advocacy. Lau presumably is not disturbed by the consequence of including this letter, which is that the sophisticated reader will conclude that his book does not measure up to academic standards. In an academic work, the author is prepared, if need be, to follow the evidence and reach conclusions which make him and his subject uncomfortable. Lau cannot do that, and academics will therefore regard his book as "politically correct" scholarship. On the other hand, many non-academics will no doubt welcome the arrival of a work that is neither hagiography nor academic, but sits in the middle, combining real learning with deference to its subject. No size fits all, and perhaps this is a genre whose time has come.