

A Brief Biography (continued)

1. Rabbi Yehuda Heimowitz, *Maran Harav Ovadia*

At a reception for Harav Ovadia at the home of Israel's president attended by the Cabinet and the leaders of the military, President Zalman Shazar and Prime Minister Golda Meir both urged the new Rishon LeZion to find some way for the Langer children to marry. Defense Minister Moshe Dayan was particularly open about the government's expectations, declaring, "I don't care how you find a *heter*, the bottom line is that we have to rule leniently for those who were prevented from marrying."

By the time Harav Ovadia rose to address the crowd, the atmosphere in the room had grown tense, and it seemed at first that he would capitulate and guarantee to provide the solution they sought. His opening words were: "I am from a line of Rishon LeZions dating back more than 300 years," he began, "all of whom worked with *koha d'heteira* to try to solve *halachic* issues that arose." But before anyone could misinterpret his words, Harav Ovadia declared, "However, *halacha* is not determined at Dizengoff Square; it is determined in the *beit midrash* and by the *Shulchan Aruch*. If there is any way to be lenient and permit something, the Sephardic *hachamim* will be the first ones to rule leniently. But if there is no way to permit something, and after all the probing, investigating, and *halachic* examination that we do, we still cannot find a basis to allow it, we cannot permit something that is prohibited, Heaven forbid."...

On November 15, exactly one month after their election, Harav Ovadia felt that he had no choice but to report to the press that his Ashkenazi counterpart had issued an ultimatum four days earlier: If Harav Ovadia would not join him on a new three-man *beit din*, Chief Rabbi Goren would cut off all contact with him and refuse to participate in a joint inaugural ceremony. Chief Rabbi Goren denied issuing the ultimatum, but Harav Ovadia Yosef repeated the charge in an interview published in the *Jerusalem Post*.

2. The mantra of Shas *l'hachzir atarah l'yoshnah* – to restore the crown to its ancient [glory]

A Political Rabbinat

3. Rabbi Ovadia Yosef, Yabia Omer 5:Orach Chaim 1

It is known that in all matters of prohibition and permission we have accepted the ruling of our master, the Shulchan Aruch, our great master Rabbi Yosef Karo, whom the King of kings of kings wishes to honour, as per the great later authorities, among them *Maharanach*, who wrote, "The Beit Yosef has already been accepted upon us as master in our communities, to follow his rulings." And *Parach Mateh Aharon* wrote, "And we have already accepted the rulings of the great master Rabbi Yosef Karo in all of our communities, and especially regarding the laws of prohibition and permission" – meaning, whether to be lenient or to be strict.

4. Rabbi Shlomo Ibn Aderet (13th century Spain), Responsum 1:253

[W]henver they follow one of the leading authorities for all of their deeds, where they follow Rif's *Halachot* for all of their deeds, or where they follow Rambam's composition for all of their deeds, they have made these giants as their rabbis. However, if there is a sage there, who is worthy of ruling, and he sees reason to prohibit what they permit, then they must follow the prohibition. These [texts] are not like their actual rabbis. If they would follow the dissenter's view in the place of their actual rabbi, they would take his honour lightly in his place.

5. Rabbi Chaim Yosef David Azulai (18th century Israel, Italy), Shem haGedolim: Sefarim "Beit Yosef"

Know that I have received from elders of Torah and reverence who heard from the sacred mouth of the great master, the angel and holy one, Rabbi Chaim Abulafia, that he held a tradition that regarding the rule set by our master [Rabbi Caro] in halachic rulings, to follow the three pillars of the House of Israel, Rif, Rambam and Rosh, etc, that close to 200 sages in his time agreed to this...

6. Rabbi Jeffrey Saks, *The Making of an Iconoclast*, Tradition 40:2 (2007)

Remarkably, R. Ovadia began this battle at the age of seventeen, when R. Attia sent him to teach a daily halakha class in a Persian-Jewish Jerusalem synagogue based on the popular *Ben Ish Hai* of the revered R. Yosef Hayyim (1835-1909), rabbi of Baghdad, among the greatest modern *posekim* of the Sephardic community, acknowledged in the same

way the *Mishna Brura* is in the Ashkenazic community. However, "Yosef could no longer control himself" (Gen. 45:1). The *Ben Ish Hai*, because he occasionally rules against R. Yosef Karo's *Shulchan Arukh*, was guilty of being one of those corrupters of the pure Sefardic tradition (29-31). The laypeople and senior rabbis revolted against young Ovadia's critique of the *Ben Ish Hai*, but R. Attia supported the young teacher, whose iconoclasm has grown ever since.

7. Rabbi Ovadia Yosef, Yabia Omer 6:Even haEzer 14 (Tammuz 5711 – July 1951)

Introduction: An account came to us in the local court in Petah Tikva: The sister-in-law of a Yemenite immigrant became eligible for *yibum* with him... I am contemplating the new enactment accepted in Jerusalem by the Israeli Chief Rabbinate on 21 Shevat 5710 (Feb 8 1950): "In most Jewish communities, and in Ashkenazi communities in Israel, they have accepted as law to follow Rabbi Moshe Isserles, who ruled that *chalitzah* precedes *yibum*, and that even when both the man and woman wish to perform *yibum*, we do not permit it. Because in our day it is clear that most men do not intend *yibum* altruistically, and for the sake of peace and unity in the State of Israel, lest the Torah be as two Torahs, we decree upon all residents of Israel and those who immigrate and settle in Israel from this point forward, prohibiting *yibum* for them entirely. They must perform *chalitzah*... This ban may be lifted only in special circumstances, by decision of the expanded Chief Rabbinate Council, signed by the two Chief Rabbis of Israel." This was signed by the two Israeli Chief Rabbis: Rabbi Ben Zion Uziel and Rabbi Yitzchak Halevi Herzog. But we, the Sephardim and communities of the Mizrah and Yemen, have accepted upon ourselves the rulings of our masters Maimonides and the author of the *Shulchan Aruch*, who follow the view of the Sages [in the Talmud] that *yibum* precedes *chalitzah* even in our day, when people do not intend it altruistically. We must clarify: Does this agreement have any authority for us, or not?...

Part 2: In the end, all has been heard, in my humble opinion it appears clear that for us, who hold the hem of the cloak of our master z"l and all the holy who are with him, the majority of quantity and quality of the great authorities from whose mouths we live, that the mitzvah of *yibum* precedes *chalitzah* even today, and there is no authority to the agreement and the presidents and members of the Israeli Chief Rabbinate...

8. Rabbi Ovadia Yosef, Yabia Omer 5:Orach Chaim 21:3

Regarding your point about adding to Shabbat, from the mundane to the sacred on Erev Shabbat, that the practice in Jerusalem is to light candles and accept Shabbat 40 minutes before sunset. Is this like a permitted item which some people prohibit, such that one may not permit it in front of them...

True, I have seen that Rabbi Yechiel Michel Tukaczinski (Eretz Yisrael pg. 26) wrote, "There is an old practice in Israel of announcing or blowing shofar for Friday's candle lighting 40 minutes before sunset, and that is still done today in Jerusalem and the old cities. In new places they light 25 minutes before sunset. And as written by Kaf haChaim (256:5), in his day the Jerusalem practice was to announce twice – first 40 minutes before sunset, and second 10 minutes later, meaning half an hour before sunset, to energize people again."

I am shocked that he quoted this from Kaf haChaim; one who examines it will see it is not at all true!... And even if Rabbi Yechiel Michel Tukaczinski actually saw and knew that Ashkenazim did this, it does not follow that this was at the ruling of a sage... And even if you would say it was a clear custom for Ashkenazim, still, we, the Sephardim and all of the eastern communities have our own, and we have never done this... Therefore, it is clear in my eyes that a Sephardi of the eastern communities who was strict to receive Shabbat 40 minutes before sunset, thinking this was the custom of Jerusalem, would be permitted to recant... without any need for formal repealing of his custom, for it was a mistaken custom...

9. Rabbi Ovadia Yosef, Yabia Omer 6: Orach Chaim 11

More than this, I say that if there is no strife among the congregation, they may change their Ashkenazi pronunciation to Sephardic pronunciation, even initiating this switch, as did the great Rabbi Nathan Adler zt"l. Through this we will be greatly able to draw Israeli youth near to service of Gd... for the Ashkenazi pronunciation is strange to them, and one who would come to the synagogue once [and hear that pronunciation] would never come back.

10. Rabbi Ovadia Yosef, Yabia Omer 4: Yoreh Deah 7

I was asked regarding a restaurant where Jews eat, where the owner is ready to accept certification by the local rabbinate so that the restaurant's food will be halachically kosher, and to listen to the instruction of the *mashgiach*

regarding the kashrut of the food, on condition that the *mashgiach* ignore those who wish to eat dairy (ice cream) right after meat, or even to eat them together, cold. Is it worthwhile to accept this condition to prevent cooking and eating non-kosher food and actual meat and milk mixtures? Or let the wicked do as they will, and perish?...
In any case, it is clear that since this would be a total rescue of many people, certainly, it is a sacred duty for the local rabbinate to fence in the gap which they can fence in, and to certify the restaurant according to halachah ...

11. Rabbi Ovadia Yosef, Yabia Omer 6: Yoreh Deah 20:5

One should not be strict at all, to require her to sleep in another bed and room. She may keep her clothing as a niddah in the wardrobe with the rest of the clothing of her husband and household. Those who are strict with all of this cause the destruction of household peace, and I know clearly that disasters have been caused by this practice. Therefore, we should not add to the stringencies mentioned by our masters, the sages of the Talmud and the legal authorities; all who add are subtracting.

12. Chazaq #32, Nov-Dec 2013

At the funeral, Rav Ovadia's son, Rav David, related that after suffering his first heart attack 14 years ago, Rav Ovadia needed a stent to be inserted in order to widen his artery. Rav Ovadia told his family he wanted to go home, but they explained that the surgery was critical for his wellbeing. He then asked to go home for at least three hours in order to take care of an important matter. What matter? He had been dealing with a case involving an Aguna before his heart attack. "If I don't survive the surgery who will take care of this case? The poor lady will suffer..."

Rabbi Mordechai Eliyahu

13. The Electoral Process

<https://www.thejc.com/news/world/chief-rabbi-selection-how-israel-does-it-1.26416>



14. The Knesset Website, *What was the Zealots' Alliance?*

The Zealots' Alliance ("Brit Hakana'im") was the name of a radical religious underground that operated in Israel during the years 1950-1953. Their goal was to force Jewish religious law on Israeli citizens and to establish a state based on Jewish law. The General Security Service received information that this group was going to cut the electricity and toss a smoke bomb into the Knesset Plenum during a Knesset debate on the recruitment of women into the armed forces. On May 26, 1953, two members of the group were apprehended when they were on their way to placing a bomb at the Ministry of Education building in protest over the public school system. Among the Zealots' Alliance were included Rabbi Mordechai Eliyahu (later the chief Sephardic Rabbi), and MK Shlomo Lorincz of Agudat Yisrael, who was later the chairman of the Knesset Finance Committee.

15. Quotations from Knesset Debate of May 21, 1951, <https://yated.com/menachem-begin-call-israeli-laws-nazi-laws/>

"I don't believe you when you say that illegal weapons were found," Begin said, "and I do not believe you when you try to declare yourself a judge. A weapon was found somewhere, but no one knows to whom it belonged. The judge will decide whose weapon it was; you will not decide that. I do not believe you or your secret police. Do we have judges here in Israel, or don't we?"

Later in his speech, Begin said, "You should not be shocked by the accusation that was mentioned here by MK Nurock, that the prisoners were tortured. It is not my intention to establish this as a fact; I do not know whether there was indeed

torture that took place. I do know, however, that the members of your secret police include people who collaborated with the British secret police, sadistic people who tortured the prisoners under their control. Why, then, should you be shocked? Why should you pretend that it is unthinkable? Haven't there been trials in Israel concerning the use of torture? I am not making accusations; I am merely saying that I want facts, and I want the court to rule on these matters. If you have evidence, then why did you use the emergency provisions of the law? And if you don't have evidence, then what allowed you to open a concentration camp in Israel? What you have done is a shameful act of terror, a deliberate act that brings more disgrace upon this state than all the crimes that Brit HaKanoim has committed or planned to commit. For today, there is a concentration camp in the State of Israel."

16. Rabbi Mordechai Eliyahu, as cited at <http://www.harav.org/Dmuto/ArticleDetail.asp?IDPI=45>

I admit that the path I walked in the past is not appropriate for our generation. It is not that the Torah has changed, Gd forbid, but rather that the path to instill it in the nation has changed.

17. Rabbi Mordechai Eliyahu, Maamar Mordechai 3: Kedushat Eretz Yisrael 6

The security situation, without getting into specifics, is such that the leaders of the country have personal interests, and they exalt themselves in the name of peace, and abandon the issue of security. They are not a factor when it comes to saving lives [or: they do not weigh as a factor the issue of saving lives].

18. *Avihem shel Yisrael*, <http://shiratdevorah.blogspot.com/2012/06/amazing-stories-of-rabbi-mordechai.html>

Once, a woman who had just gotten married and had just moved to Neveh Yaakov had some Taharat Hamishpacha questions and didn't know whom to ask. She was too embarrassed to ask her husband at the time. She was told by her neighbors to ask R' Mordechai Eliyahu. She called him up and Rav Eliyahu told her that he needs to see the question and cannot make a Psak [ruling] over the telephone, so he told her to come to his Beit Midrash in the Bucharim neighborhood. She replied that "it's too far to go there, so forget it, I'll just be stringent on myself." Rav Eliyahu replied that it's a sin to be stringent unnecessarily.

The woman started to cry and said that she was too embarrassed to come so far and she's very confused about the matter. Rav Eliyahu told her that he's waiting for her in the Beit Midrash for another half hour. She replied that he doesn't need to do so.

At 1:00 that afternoon, her husband came home from Kollel unexpectedly saying, "Rav Mordechai Eliyahu came to my Kollel and told me, 'While you are sitting here learning, your wife is sitting at home troubled because she has unresolved questions. Go home and bring the questions and I'll wait for you until you come.'"

The woman told her husband that she indeed had called Rav Eliyahu, but didn't say who she was, so how did he know who she was and how to contact her husband?