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REVIEW ESSAY: THE MAKING OF AN ICONOCLAST

*Mi-Maran ad Maran:
Mishnato ha-Hilkhatit shel ha-Rav Ovadia Yosef*
by BINYAMIN LAU
(Jerusalem: Yediot Aharonot/Hemed, 2005)

On the question of what makes one a *gadol*, my favorite answer was once provided by a teacher of mine, who commented, “He must first take responsibility for the Jewish people.” If so, Binyamin Lau has done a fine job in helping us understand Rav Ovadia Yosef’s preeminent position as halakhic decisor.

Born in Baghdad in 1920, the young Ovadia arrived in Jerusalem as a small child. It is told that R. Ezra Attia, *Rosh Yeshiva* of Porat Yosef, begged Ovadia’s father to allow the fourteen year-old prodigy to return to his yeshiva studies (he had been pulled from the *beit midrash* to help run the family grocery). “Better I should come to work in the store than the boy,” cajoled the *Rosh Yeshiva*. “My *bittul Torah* matters less than his.” Back at Porat Yosef, R. Attia became a surrogate father for the young *illuy*, in a yeshiva environment that sought to supplant the homes of its students. Lau points out (13) that the yeshiva culture helped suppress R. Ovadia’s identification with his Iraqi heritage of the so-called “Bavli Jews,” in favor of the more dominant Halabi-Syrian Jewish traditions of Porat Yosef.¹

It may have been this “conversion” from home-tradition to yeshiva-tradition that led to R. Ovadia’s later attempt—his great halakhic-cultural project—to unite all Sefardic Jews under one pan-Sefardic tradition. That is, Lau suggests as his central thesis, R. Ovadia has been working, and succeeding to a large degree, to recover the Sefardic ur-tradition—which in his eyes has been corrupted from without, by the stricter halakhic rulings of Ashkenazi *posekim*; from within, by the influence of

kabbala on Sefardic practice and *pesak*; and overall, by deviating from the rulings of R. Yosef Karo. Objectively, we may ask if he has been attempting to recover something, or construct it in the first place? Insofar as there was never only one, united tradition of *pesak* amongst Sefardim (or Ashkenazim, for that matter), R. Ovadia's campaign may be more innovative than restorative.

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 *Shulhan 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.

His goal is nothing short of a Sefardic renaissance, reuniting Jews of disparate communities—Syrians, Iraqis, Morrocans, Tunisians, etc.—in a shared *Mizrabi* culture, embodied by the sixteenth century's R. Yosef Karo. Thus, Lau's title, "From *Maran* [R. Yosef Karo] to *Maran* [R. Ovadia Yosef]." This is the true meaning and aspiration of R. Ovadia's motto and Shas's perennial campaign slogan: "*le-habzir ha-atara le-yoshna*" (to return the crown to the glory of old). On the simplest level, this is the restoration of the authentic, unified Sefardic tradition mentioned above. On a deeper level, it is an attempt to counter the historical Ashkenazi hegemony in all realms—halakhic, cultural, and with the establishment of Shas, political. There is a paradox here: In his attempt to battle the Ashkenazi establishment, he is a pluralist, arguing for the integrity of each group and legitimating everyone following his own traditions of practice and *pesak* (perhaps because in this he is coming from the weaker bargaining position).² However, when faced with the myriad divergent traditions and local customs within the larger Sefardic community, he argues for unity over ethnicity. In this regard, R. Ovadia's edition of the prayerbook may be his most influential work. Today, there is hardly a Sefardi synagogue in the world that doesn't use his *siddur* and by default follow his rulings on prayer (85, 119-20).³ Nevertheless, the attempt to create a pan-Sefardic "melting pot" has sometimes met with resistance from Sefardic rabbis interested in preserving local traditions (373-75).

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R. Ovadia's boldness, already evident in his youth, has generally served him well (except when it has not and controversy ensues). Lau analyzes the most famous examples, especially from R. Ovadia's tenure as *Rishon le-Tsiyyon* (1973-83), such as "freeing" the over 900 *agunot* of missing and presumed dead soldiers following the Yom Kippur War; recognizing the Jewishness of *Beta Yisrael* (Ethiopian Jews), thus paving the way for the State to begin its mass *aliya* operations; and his general inclination against stringency for its own sake (129-30). Yet, iconoclasm comes with a price. For much of his time as Chief Rabbi, R. Ovadia was not on speaking terms with his Ashkenazi counterpart, R. Shlomo Goren (102-03) and Lau isn't shy about mentioning other rabbis—Ashkenazim and Sefardim—with whom R. Ovadia locks horns.

R. Ovadia is also unique amongst Sefardic *posekim* in rejecting the influence or rulings of *kabbalat ha-Ari* whenever in conflict with R. Yosef Karo. His counterparts—going back to the eighteenth century and *Hida*—usually saw Ari as the greater authority (see the interesting chapters in Part 4, ch.1 on the *Zohar* and ch. 2 on Lurianic kabbala). Although well-versed in kabbala, often utilizing mystical thought in his public sermons, he rejects the infusion of kabbala into *pesak halakha* as a form of *kil'ayim* (forbidden mixture), in this aligning himself with the general Ashkenazi orientation—indeed, citing *Hatam Sofer* as his source (292). R. Ovadia's successor as *Rishon le-Tsiyyon*, R. Mordekhai Eliyahu, famously opposes him for this position, among other disagreements between them.⁴

While meticulously researched and generally well written, the book occasionally lacks a global meta-analysis that would show the reader how this outstandingly bold and brilliant *posek* is lead by the same underlying principles in his other role—as a crafty political player. Since the entry of Shas, a frequent coalition partner, onto the political scene in 1984, R. Ovadia's influence has come to mean other things for most of the Israeli public. Lau states at the beginning (13) that since the masses already know (and misunderstand) him only through his public role, the book largely ignores that and focuses on R. Ovadia as an *Ish ha-Halakha*. While a prudent research method (it was obviously necessary in establishing parameters for the doctoral dissertation on which the book is based), there are instances where these roles cannot be so neatly bifurcated. The most obvious example, and the most noticeable by its virtual absence, is R. Ovadia's lenient position on surrendering land for peace—or more accurately, land for lives—ruling that, in principle, territorial compromise is allowed should it lead to the saving of

Jewish life (see 106-07 for the scant treatment).⁵ Although often portrayed in the public as a fanatic, this ruling is radical in its leniency and opposed by the majority of R. Ovadia's rabbinic colleagues. It is unfortunate that an analysis of the larger social meaning and impact of this ruling is missing, precisely because it resides at the intersection of *pesak*, public policy, and politics. A rabbinic ruling, whether lenient or stringent, has different meaning when backed up by a party in the Knesset to help translate it into law.⁶

That R. Ovadia himself sees Shas and politics as being part and parcel of his larger halakhic project to "return the crown to the glory of old" is reflected in the following anecdote. When he decided to enter the political fray as the spiritual head of Shas, his late wife Margalit begged him to reconsider. "Until now you've been a beloved and admired rabbi. No one can say a bad word against you [*sic*]. Now you'll go into politics, you'll get dirty—they'll throw mud at you, aggravate you and the family." "Margalit," he responded, "when I'll come to the *Olam ha-Emet* and stand before God, He'll ask me, 'Ovadia, what did you do for *Am Yisrael*?'—what shall I tell Him? That I preferred to stay clean?"⁷

An exception to my aforementioned critique, and among the more interesting sections of the book, is Part 2, which deals topically with a small number of issues and shows how R. Ovadia's *pesak* has had social meaning and impact. Especially interesting are the chapters on the place of the State and its institutions in his halakhic thought and on Sefardic women in halakha.

Also missing from the book, for obvious reasons, is any treatment or mention of R. Ovadia's sometimes outrageous comments, usually delivered in his Saturday evening sermons (attended by hundreds and broadcast over the radio and Internet to thousands). Calling for the annihilation of Arabs, determining tsunamis and hurricanes to be Divine punishments, implying that Holocaust victims had it coming, and that Shas supporters go the *Gan Eden* while all others go to Hell, are among the well-known gaffes I was able to conjure from memory (before Googling "Ovadia Yosef" and "controversy" and finding a few dozen more in just 0.3 seconds).⁸

The book is not a biography, but what Lau calls a "biblio-biography."⁹ He examines R. Ovadia through his writings and halakhic rulings, some unpublished, analyzing his body of work for the unifying principles in his halakhic thought. Lau received R. Ovadia's assistance with his research (the volume opens with a warm *haskama* from *Maran* himself), which makes any of his mild critiques even more remarkable.

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The book should serve as a model for other studies—not the cold analysis of the academy, nor the worshipful “idolatry” of hagiography. (Here is a research agenda for using Lau’s work as a template for analyzing other *posekim*: R. Moshe Feinstein, R. Shlomo Zalman Auerbach, and R. Eliezer Waldenburg.)

By helping us understand *posek* and *pesak*, Lau helps us—practitioners of the halakha—understand ourselves. Should Lau publish an English translation of the book, let him title it *The Making of an Iconoclast*.

NOTES

1. See, e.g., the comment in *Yabi’a Omer* 9, *Orah Hayyim* 108:20, p. 232.
2. But even this “open mindedness” may be merely tactical. See *Yabi’a Omer* 5, *Yoreh De’ah* 3, p. 158, where he argues (basing himself on R. Yosef Karo’s *Avkat Rakhel*) that since Sefardim were historically the majority presence in *Erets Yisrael*, when the Ashkenazim arrived in spurts, they ought to have been subsumed under the dominant Sefardic halakhic traditions (*ve-kim’a kim’a batel*).
3. See Joel B. Wolowelsky’s comments in his review of *Siddur Or va-Derekh le-Bat Yisrael* (a prayer-book for women following R. Ovadia’s rulings) in *Tradition* 25:2 (1990), 96-99.
4. R. Yoel Bin-Nun has pointed out a notable exception to this general rule, regarding the proper time for the recitation of *selihot*, in which R. Ovadia follows *kabbalat ha-Ari* over R. Yosef Karo. See the recent collection of R. Bin-Nun’s writings, *Me-Heyyon Oz* (Ein Tzurim: Yeshivat Kibbutz ha-Dati, 5756), 56-60. This exceptional case may likely be due to the universal Sefardic custom following the Ari. (My thanks to R. Yitzhak Blau for bringing this to my attention.)
5. See R. Ovadia Yosef, “Surrendering Land in *Erets Yisrael* for *Piku’ah Nefesh*” [in Hebrew], *Tehumin* 10 (5749/1989), 34-47. His *pesak* is further notable for explicitly placing so much authority in the hands of military experts to interpret the security situation upon which any halakhic ruling would rely. Compare this to the remarkably similar position of R. Joseph B. Soloveitchik, *Community, Covenant and Commitment*, ed. N. Helfgot (Jersey City: Ktav, 2005), 235-36.
6. It was on this basis that R. Ovadia instructed Shas to oppose Ariel Sharon’s disengagement plan from Gaza (Summer 2005)—not in principle, but precisely because he felt it would *not* lead to saving lives.
7. Zvi Aloush and Yossi Elituv, *Ben Porat Yosef: Hayyav, Mishnato u-Mahalakhav ha-Politiyyim shel ha-Rav Ovadia Yosef* (Or Yehuda: Kinneret, 2004), 123.
8. However, see Zion Zohar, “Oriental Jewry Confronts Modernity: The Case of Rabbi Ovadiah Yosef,” *Modern Judaism* 24:2 (2004), 120-49, who points out that many of R. Ovadia’s “rhetorical flourishes” are misunderstood and misrepresented by the press. Zohar argues that there is a striking

dichotomy between Rav Ovadia's outlandish public pronouncements (especially regarding "modern values") and his published writings. For example, after citing what appear to be misogynistic statements made in public addresses, for which the press excoriated him, Zohar points out Rav Ovadia's "progressive" and "unexpectedly flexible" rulings on matters such as allowing cosmetic surgery, or *bat mitsva* celebrations. Zohar concludes with a number of possible reasons for the discrepancy between Rav Ovadia's public persona and "who he really is"—not all of which are entirely convincing.

9. Those looking for a biography would do better with the less flattering, somewhat gossipy, but still balanced account by the journalists Nitzan Chen and Anshel Pfeffer, *Maran: Ovadia Yosef—Ha-Bi'ografiya* (Jerusalem: Keter, 2004), as well as Aloush and Elituv, *Ben Porat Yosef* (above n. 6).

Maran is the better written of the two, with the broader scope, even though its division into two sections—"Ish ha-Halakha" (life until Shas) and "Politics" (everything since)—belies Lau's main point: R. Ovadia's whole life, before and after, has been one grand effort to "return the crown to the glory of old." *Ben Porat Yosef*, which is also written by journalists and is more anecdotal, focuses almost exclusively on R. Ovadia's political biography since the establishment of Shas. The Israeli press, in trying to understand the release of two biographies within weeks of each other, has suggested that each is aligned with competing factions within R. Ovadia's family and within Shas (Chen and Pfeffer with current party head Eli Yishai; Aloush and Elituv with the ousted and convicted Aryeh Deri).