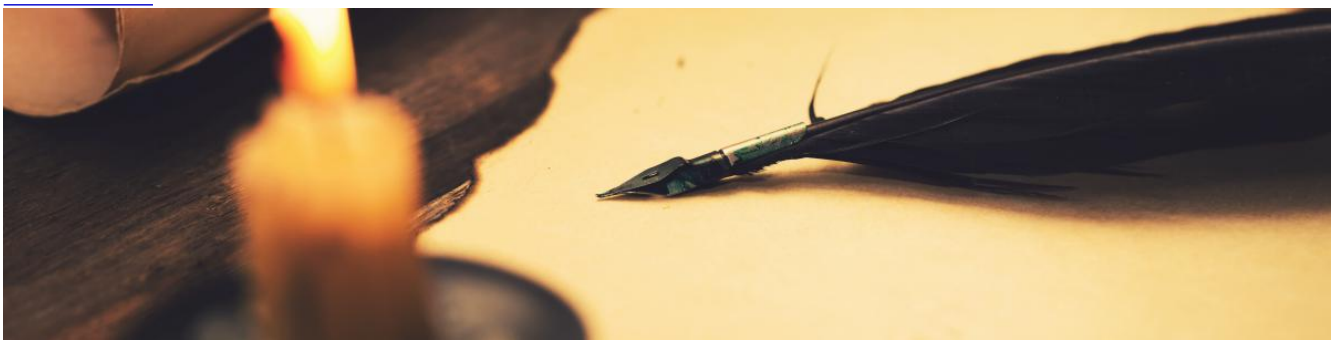
Broadening Our Vision: An Introduction to Seven Interesting Middle Eastern Rabbis

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The oeuvre and the halakhic and ideational creativity of several Sephardic and Middle Eastern rabbis of recent centuries have attracted increasing attention in recent years. Great figures such as Rabbi Benzion Uziel, Rabbi Ḥaim David Halevy, Rabbi Ovadiah Yosef, and Rabbi Yosef Mesas have received much merited attention and analysis by scholars writing in Hebrew, in English, and sometimes in other languages. However, many other great scholars and halakhic decisors remain almost unknown to persons who are not in-depth devotees of the topic. In this article, I seek to briefly introduce the reader to seven such rabbis. For each I provide a concise biography, and a translation and analysis of an interesting passage from his halakhic writings. The order of presentation is roughly chronological.

Ḥayyim David Ḥazan

Accommodation (rather than exclusion) of marginal or problematic Jews, and the courage to make the independent and non-conventional halakhic decisions required for such accommodation, was a policy characteristic of many leading Sephardic/Middle Eastern rabbis in modern times. A powerful formulation of such policy considerations is found in the writings of Ḥayyim David Ḥazan. Rabbi H. D.

Ḥazan served as Chief Rabbi of his native city Izmir from 1840 to 1855. In that year he moved to Jerusalem, and in 1861 was elected *Rishon le-Tziyyon* (Chief Rabbi of Jerusalem), a post he held until his death in 1869. He formulated a policy statement on response to the challenges of modernity in reaction to a halakhic drama that unfolded in the 1840s.

A Jewish Salonican fell in love with an attractive (Jewish) widow who had arrived from Western Europe, and under various pretexts divorced his wife with the intent of marrying that widow. The city's rabbis, seeking to block this union that they considered immoral, forbade them to marry and attempted to enforce this prohibition with the help of the Ottoman authorities. In response, the couple fled to the home of a European consul, asking for protection based on the capitulation treaties—and in the process converted to Christianity under auspices of the consul.[1] Subsequently, the couple fled to Izmir, and there asked local rabbis to enable them to marry. The Salonican rabbis sent letters requesting the rabbis of Izmir to support the ban, and several rabbis in Izmir felt obliged to concur. However, Rabbi Ḥayyim David Ḥazan argued that this manner of response was both mistaken and disastrous: Not only had the Salonican rabbis failed to prevent the couple from living together out of wedlock—their unrelenting policy had led the couple to convert out! He therefore encouraged the couple to desist from conversion and permitted them to marry in a Jewish ceremony and live as husband and wife. In the course of his responsum, Rabbi Ḥazan composed a statement outlining a general policy toward deviants from tradition that rabbis should follow in modern times:

> In these days and in our times, the generation has declined. And as the number of heretics increased, so too have the rebels and the insubordinates multiplied. And each day is more accursed. And with regard to such a reality it was said: It is enough that we hold to the *status quo*…. Not in every era is it appropriate to declare *ad hoc* prohibitions, fences and restrictions. For it is to be feared that they will react by even greater rebellion. To the contrary: It is right and appropriate [under such circumstances] to waive rabbinic norms, and even to annul positive and negative commandments of the Torah […] as Maimonides of blessed memory wrote in *Hilkhot Mamrim* 2:5 …. I [therefore] declare, that it is right in the eyes of God to permit this man to marry her in accordance with the religion of Moses and Israel.[2]

In the past, it was common for rabbis to utilize coercive means to enforce their decisions. This was not only permitted by the gentile authorities but also recognized by the Jewish public as essentially legitimate. But times were changing. Options now existed for Jews to evade coercion. Moreover, more and more Jews were coming to regard such coercion as illegitimate, and were resisting imposition of rabbinic authority. Under these new circumstances, adherence to Jewish life and community was, at the bottom line, voluntary: Individuals who felt themselves pressured and targeted by the rabbis would not submit but rather respond with “greater rebellion.” It was up to the rabbis to decide which was their greater responsibility: getting their constituents to toe the straight and narrow line, or keeping their constituents within the community, even at the price of bending halakha to the utmost in order to be as inclusive as possible. Clearly, Rabbi Ḥayyim David Ḥazan advocated the second approach, and stated it forcefully in the paragraph above.

Another example of such an approach may be seen in the following example, from an interchange on matters of halakha between two great Baghdadi rabbis of modern times, Rabbi 'Abdallah Somekh and Rabbi Eliyahu Mani.

Rabbi 'Abdallah Somekh

Rabbi 'Abdallah Somekh was born in Baghdad in 1813 to a **family that traced its lineage back to Nissi[m] ben Berechiah al-Nahrawani, scholar and poet of late-ninth- and early-tenth-century Iraq.** Rabbi Somekh **spent his whole life without leaving Iraq, passing away in Baghdad** in 1889 at the age of 76.[3] During the second decade of his life, he learned directly from one of the greatest Torah scholars of the previous generation, Rabbi Ya’aqov Brabi Yoseph Harofeh.[4] He went on to spend several years in commerce, but when he was in his mid-20s (that is, in the second half of the 1830s), he decided to change course and to devote himself to the cultivation and guidance of the top graduates of the Baghdadi Talmud Torah schools, with the express purpose of cultivating the next generation of Torah scholars for Babylonian Jewry. In an obituary, **Rabbi Shlomo Bekhor Ḥutsin wrote of Somekh:**

> **He restored the crown of Torah in Bavel to its ancient glory, after it had been removed for hundreds of years, for he founded a great and spacious *beit-midrash*, raised up many disciples and imbued Israel with Torah. Almost all scholars and rabbis [currently] in Bavel, Persia, Medea, and India studied under him and drank from the well of living water that he created. And our brethren in these lands all refer to him as *Istai*, i.e., our teacher and master, just as Rabbi Judah the Prince [redactor of the Mishna] was called simply "our teacher."**[5]

Rabbi Eliyahu Suleiman Mani

Rabbi Eliyahu Suleiman Mani was born in Baghdad in 1818, studied in *Beit Zilkha*, and was one of Rabbi Somekh's most important students. In 1856 he emigrated to *Eretz Israel* and lived for two years in Jerusalem. He then moved to Hebron, where he was appointed Chief Rabbi in 1865, a post he held until his death in 1899. In addition to his erudition in Talmud, Rabbi Mani was deeply engaged in Kabbalah and was known for his ascetic piety. Rabbi Somekh knew him personally to be an outstanding and God-fearing scholar and Kabbalist. Rabbi Somekh was therefore shocked to hear from a reliable source in the Jewish-Iraqi community in India that Rabbi Mani had permitted the Jews of Bombay to transport objects in the public domain on Shabbat in ways that had been forbidden by the greatest Sephardic authorities, relying only upon a dissenting view held by Rabbi Moshe Pardo! Rabbi Somekh asked his beloved disciple:

> We know you as one who takes halakhic decision-making very seriously. How is it then that you went against the opinion of the three great rabbis who wrote that our master [Rabbi Caro] considers such roads "public domain"?! How did you follow the [minority] decision of Rabbi Pardo against the opinion of our teacher and Rabbi Ḥayyim Yosef David Azulai of blessed memory, who expressly forbade traveling in a palanquin on Shabbat?![6]

Rabbi Mani responded that he, too, recognized that his decision was unconventional—but nevertheless was absolutely correct under the circumstances. Here is how he explained his considerations:

> Hear my words, and you will admit that truth is on my side: I saw that the Jews of Bombay each carry a parasol—without which it is impossible to walk the roads there for even one minute—and they all carry parasols on *shabbat* more than four *ama* in the public thoroughfares. They also carry with them snuff and handkerchiefs, which is forbidden by all opinions. If we rule that these roads are "public domain," then Bombay Jews would be actively breaking a rule for which the Torah punishment is death by stoning […] Therefore I relied on Rabbi Pardo, may God protect and save him, and on the European custom, and allowed them [travel by] the palanquin and the carrying [of objects for them] by a gentile; since if we declare these roads *carmelit*, this is allowed.

Rabbi Mani admits that from an academic, exegetical perspective, the correct conclusion is indeed that a street should be considered "public domain" if it is 16 *ama* or more in width. But the real-life implications of this decision for the reality before us would be that all of the Jews of Bombay, who every Shabbat carry many objects in the broad streets of Bombay, would be committing a transgression so severe that its punishment under original Torah law would be stoning.[7] This decision would therefore have terrible human and religious consequences as it would mean that all of the Jews of Bombay would be committing many sins of extreme religious severity just by the routine performance of activities each and every Shabbat! Rabbi Mani argued that a halakhic decision with such consequences would be in direct conflict with a decisor’s responsibility for the public—i.e., in the current context, his responsibility for the public's status in the eyes of God and in its own eyes. The exegetical preferability of the conventional, more severe approach must not be considered as an overriding factor. Rather, it is the decisor’s obligation to make a heroic effort to utilize less-trodden halakhic paths in order to formulate an alternate decision, one that would be acceptable from a public, religious and moral perspective.

Rabbi Moshe Pardo

The rabbi upon whom Rabbi Mani relied was Rabbi Moshe Pardo (1810–1888), who was born in Jerusalem, where he earned his Torah education and served as head of the rabbinical court. In 1870 he went to North Africa as an emissary, and on his way back from that mission was invited to serve as rabbi of Alexandria, a rapidly developing cosmopolitan port city with an increasingly varied Jewish population,[8] and filled that role from 1871 until his death.[9] A few months after arriving in Alexandria, Rabbi Pardo was asked about a Jewish man who had married a non-Jewish woman in a civil ceremony. The woman was pregnant, and the man asked whether, if his wife gave birth to a boy,

> he would be permitted to circumcise his son. For this is an important commandment to him, even though he sinned and had intercourse with the daughter of an alien god, nonetheless he is a Jew and he wants his aforementioned son to be circumcised.[10]

After a detailed discussion, Rabbi Pardo rules that it is permissible and even a mitzvah to circumcise such a boy, despite his non-Jewish status. However, if he is born on Shabbat he cannot be circumcised on the eighth day, because circumcision of a non-Jew does not overrule Shabbat.[11] Rabbi Pardo then noted an alternate scenario that would make it possible to circumcise the child even if he were to be born on Shabbat:

> In the case at hand, the mother herself wishes to become a Jewess. And clearly, if the mother should immerse herself and accept the commandments and become a Jewess, her fetus is like her and becomes fully Jewish, as explained in the *Tur* and the *Shulḥan 'Arukh* (268:6): “A pregnant woman who converts, her son does not need to be immersed.” If so, it is clear that he may be circumcised even on Shabbat, since he entered the Jewish people when his mother immersed. So in the case at hand, where the woman wishes to convert and immerse and to accept the commandments, certainly the child will be entirely kasher, and he is a *ger tsedek*.[12]

The Jewish father can thus prevent the public unpleasantness that might occur if his son (now in his Gentile spouse's womb) were to be born on Shabbat—by

having the mother convert before giving birth. But are we allowed to convert this woman? Does the *Shulḥan 'Arukh* not rule, writes Rabbi Pardo, that if a woman wants to convert “they check if she has cast her eyes upon one of the youths of Israel” and if so the court will reject her, and indeed in the case under discussion the woman

> [s]eeks to enter under the wings of the *shekhina* only out of love for her husband to whom she is married. If so, on what grounds can we accept her and have her immerse and accept the commandments and thereafter be considered a Jewess?[13]

A central argument that Rabbi Pardo presents in his responsum is that a situation in which a Jewish man is cohabiting with a Gentile woman should be considered “a time of exigency,” and under such circumstances it is halakhically right to convert his partner even if she is explicitly seeking *giyyur* only “for the sake of a man.” The reason for this is, that when making a decision on her conversion the rabbis are *ipso facto* determining the future of her Jewish partner; if we reject her, we are by that very act repulsing her partner—

> a Jewish man who, out of fear of God['s retribution] for having relations with the daughter of a foreign god, has persuaded her to convert. We must not push away a Jewish man. We should employ any stratagem we can to draw him closer and not push him away. And no greater ''time of exigency' than this exists—as she is married to him and he cannot separate from her, and certainly would not obey us [if we reject her application to convert].

In the case before us, the woman's application for *giyyur* reveals her Jewish husband's internally conflicted state. On the one hand, he is deeply attached to his Gentile wife, and if we require him to separate from her he will not obey us. On the other hand, this relationship arouses in him pangs of conscience, because of which he has convinced her to convert. If we reject her—we will in effect be rejecting his wish to resolve the conflictual situation he is in, and he will become even further alienated from his Jewishness. Our obligation to save him should

drive us to take every possible halakhic action in order to “draw him closer and not push him away;” the specific meaning of this in our case is, that we should convert his wife in order to save him from a life intermarriage leading ultimately to assimilation.

The halakhic course of action that Rabbi Pardo specifies relies upon identifying the situation before us as *she'at haDeḥaq* (a time of exigency), that is, a situation of severe stress that requires going beyond standard halakhic norms. To enable the application of a wider range of norms in situations of exigency, halakhic literature established the rule “*she'at haDeḥaq kedi'avad damei”* (a time of exigency is like an *ex post facto* situation).[14] This means that in stressful or extreme situations, one can follow halakhic norms whose usual application is only *ex post facto.*[15] Specifically, since *ex post facto* the validity of a Gentile's *giyyur* is not contingent upon the nature of her motivation, we should enable this woman to convert regardless of her specific motivation. By doing so, we are fulfilling our obligation toward our fellow Jew—her husband—which is: to take every possible halakhic action in order to “draw him closer and not push him away.” By accepting his wife (whose personal motivation is unworthy *per se*), we are saving him from a life of intermarriage leading ultimately to assimilation.

Rabbi Pardo cites several sources in support of his ruling. One of these is a fascinating case, clearly demonstrating that the two greatest rabbis of seventeenth-century Egypt advocated resolving intermarriage by converting the non-Jewish spouse and enabling the continuity of the existing family unit.[16] A *shifḥa* (non-Jewish female slave) belonging to “Reuven,” a resident of Egypt, was in another country, and Reuven ordered that she be transferred to him. On her way to Egypt, the ship was attacked by pirates, and she was captured. The pirates put her up for sale in a city that had a Jewish community, and in order to save herself from captivity she identified herself as a Jewess and was redeemed by the local Jewish community. Later on, she married a member of the community and they had children. When Reuven became aware of this, he turned to the rabbinic court in Egypt and informed them of this situation, declaring that he had despaired of his ownership of the *shifḥa* the moment he heard of her captivity. Now he asked the rabbinic court to chart a halakhic course of action that would bring about the best possible outcome for her, for her husband, and for her children:

> He came to the rabbinic court and told the whole story and said: Know, gentlemen, that I have already given up on the value of this *shifḥa* and she

> is on her own. And I do not wish to cause the Jew who mistakenly married her to sin. See what ruling you can make for her so that she can be married in accordance with the religion of Israel, and no problem or stumbling block will be placed because of me before her husband and children.

Reuven is revealed here to be an honorable man who relinquishes any potential financial benefit that he might obtain from the situation that had developed. He understands that the Jew who married her did so mistakenly, after the captive *shifḥa* falsely presented herself as a Jewess. It nonetheless does not occur to him—nor to the rabbinic court—to accuse the woman of misleading the Jewish community into spending a considerable amount of money to redeem her from captivity, or for misleading her Jewish husband into marrying her while she was still a Gentile. It does not even occur to Reuven or to the rabbinic court that the situation should be resolved by cutting off the relationship between the (Gentile!) woman, her Jewish husband, and their (Gentile!) children. Quite the contrary: Reuven defines in advance the parameters of the **suitable** solution—enabling the couple and their children to continue their relationship in a halakhically viable way—even before he clarifies if this solution is **possible**. In other words, he assumes that since this is the suitable solution, then, once the rabbis recognize this to be the case they will certainly find the halakhic way to make it happen. And indeed, the two most senior Egyptian rabbis at that time—the rabbi of Cairo and the rabbi of Rashid—agreed. A thorough analysis of the mother's halakhic status after Reuven relinquished his ownership led them to conclude that she was no more a *shifḥa* but rather a free Gentile woman; therefore, it was possible and fitting to convert her and her children, and to continue their family life with the Jewish man whom she married:

> She should be converted by a rabbinic court—and if a rabbinic court already converted her, what they have done is done and she is fully Jewish. And if they still have not converted her, they should convert her now while she is living with her husband. And if before it became known that the marriage was a mistake she became pregnant and gave birth, the wife and her children[17] have the status of full gentiles. They should be converted together, and she will remain with her husband.[18]

And Rabbi Pardo comments:

> [They wrote that] even though she now is living with her husband she can convert, and they were not worried by the fact that she does so out of love for her Jewish husband. [And he concludes:] **The same holds in this case** (emphasis mine, Z. Z.)

In other words, the Egyptian halakhic scholars, Rabbi haLevi and Rabbi Gershon (as well as "Reuven," who relinquished his rights over the *shifḥa*) identified the situation of the Jewish man and his Gentile wife as a "time of exigency." They therefore applied *ex post facto* halakhic norms and refrained from concerning themselves with the woman's motivation. Moreover, identification of the situation as a "time of exigency" was done without taking into consideration the issue of guilt, that is: Who was responsible for creating this situation? Although the *shifḥa* knowingly misled the Jewish community and her Jewish husband, this did not prevent the rabbis from converting her and enabling her to continue living conjugally with her husband. Rabbi Pardo concludes that if this is what was decided in seventeenth-century Egypt, the same thing should be done in the case brought before him 200 years later: The Gentile woman and the children already born to her from her Jewish spouse should be converted, and they should continue living as before with their Jewish husband/father—but now they will all be Jews and this will be a "kasher" family unit.

This was not a one-time decision by Rabbi Pardo, but rather a policy he continued to follow also in later years. Rabbi Eliyahu Ḥazan, who served after Pardo as rabbi of Alexandria,[19] reports that he found documentation in the archive of the local rabbinate indicating that in the summer of 1876, a non-Jewish woman who had lived with a Jewish man for many years and given birth to several boys and girls, applied for *giyyur*. Not only did Rabbi Pardo accept her for conversion, but he also married her to her Jewish spouse on the very day she converted.[20] Obviously, Rabbi Pardo not only encouraged conversion as a response to intermarriage, he also waived the halakhic requirement for a period of discernment[21] before permitting the couple to marry. In the following section we shall see that Rabbi Eliyahu Ḥazan also considered it his responsibility to be inclusive and considerate toward Jews who were only marginally religious, even if that entailed changing synagogue praxis in a manner seemingly incompatible with the rulings of Rabbi Joseph Caro in the *Shulḥan 'Arukh*.

Rabbi Eliyahu Ḥazan

Eliyahu Ḥazan was born in Izmir, raised and educated in Jerusalem under the guidance of his grandfather Ḥayyim David Ḥazan,[22] and served as chief rabbi of Tripoli (Libya) between 1874 and 1888, then as chief rabbi of Alexandria (Egypt) from 1888 until his death in 1908. In those years, Alexandria was a thriving and prosperous city attracting people from North Africa, the Middle East, and Europe—including thousands of Jews, many with quite tenuous links to tradition. The heterogeneous character of Alexandria's Jewish community posed a variety of challenges for Rabbi Ḥazan. An illustration of this can be found in the considerations he employed with regard to the reciting of Kiddush in the synagogue.

Kiddush should be recited just before the Shabbat meal. In ancient times, Jewish communities hosted guests in rooms adjacent to the synagogue, and it was the practice to recite Kiddush on Sabbath eve in the synagogue for the benefit of those guests, who would then eat their Shabbat meal on the premises. However, in the sixteenth century, Rabbi Yosef Caro noted that circumstances had changed and the synagogue was no longer the site of anyone's meal, and ruled: "It is better to establish the custom NOT to recite Kiddush in the synagogue."[23] The general praxis of Sephardic rabbis is to defer to Rabbi Caro's authority; the synagogues of Egypt followed Rabbi Caro's ruling and refrained from performing the Kiddush ceremony.[24] However, shortly after taking up his post as rabbi of Alexandria, Rabbi Ḥazan learned from some of his congregants, that:

> [M]any honorable speakers of foreign tongues who come to synagogue on the eves of the Sabbath and of the Festivals to hearken to the singing and the prayer subsequently return to their residences, and when they come to their homes they sit down to eat without making Kiddush. Some of them [do so because they] do not have kasher wine. And also, many of the folk today do not know how to pronounce even one word in the Holy Tongue.[25]

The term "speakers of foreign tongues" ('*am lo'ez*) refers here to European Jews living in Egypt. On the one hand, they attended synagogue services on Friday night, meaning that they were not radically estranged from Judaism. On the other hand, they did not recite Kiddush at their Shabbat table. Rabbi Ḥazan offers two

explanations for this: They have no kasher wine and consider it better not to say Kiddush at all than to say it over such [non-kasher] wine; and/or they do not know any Hebrew and think that Kiddush can only be said in Hebrew. Neither of these reasons holds up from a halakhic perspective.[26] It thus seems likely that Rabbi Ḥazan wished to represent the subjective motivations of these Jews without attributing to them disrespect or disregard for the Kiddush ceremony. The information he received, characterizing them as individuals who care enough to attend synagogue services but who do not recite the Friday night Kiddush, led him to a halakhic re-assessment of the situation.

Prima facie, Rabbi Ḥazan seemd to have no leeway: As a Sephardic rabbi, he should uphold Rabbi Caro's position that Kiddush not be recited in the synagogue. However, he noted, R. Caro's reasoning for desisting from the recital of Kiddush in synagogues was that times have changed, and travelers no longer eat in the synagogues following the service; obviously, he never in his worst dreams imagined that individuals might return home after services and not recite Kiddush at their Shabbat table. Rabbi Ḥazan considered it eminently reasonable that rather than following the "bottom line" of Rabbi Caro's ruling, he should follow R. Caro's lead in responding to historical change! Thus, it was halakhically within bounds for him (Ḥazan) to reinstate the recital of Kiddush on account of changed social-cultural conditions:

> It was good in my eyes to ordain that in the Eliyahu HaNavi and Menashe synagogues,[27] where these people attend services, Kiddush should be recited on Shabbat and holidays […] for it seems to me that it should be considered a mitzvah to institute the recital of Kiddush in the synagogue […] to enable the fulfillment of this commandment by a person who is unknowledgeable [in Hebrew] and by one who has no wine, and also to benefit those women (who have a biblical obligation to fulfill the mitzvah of Kiddush) who come to synagogue to hear Kiddush […] and so that the practice of Kiddush not be forgotten by these people, and, of course, by their young children.[28]

The issue of Kiddush in the synagogue thus reflects three elements that additional study shows is characteristic of Rabbi Eliyahu Ḥazan's halakhic decisions (and of other decisions by Sephardic/Middle Eastern rabbis in the modern era):

1. Expansion of the functions of the synagogue in order to fill a void created by the weakening of the cultural-religious function of the family and home;
2. Accommodation (rather than exclusion or disregard) of Jews of marginal communal status;
3. A willingness to make independent and original halakhic decisions, relying on minority opinions and going against the *Shulhan 'Arukh* and accepted custom—out of a deep conviction that in the present reality such rulings were necessary in order to implement the highest values of Judaism and Torah.

Another instance in which a leading Sephardic rabbi directly counters what had become conventional rabbinic theology and halakhic policy is found in the following section.

Rabbi Yaakov Moshe Toledano

Rabbi Yaakov Moshe Toledano (1880–1960) was born in Tiberias, scion to an illustrious Sephardic family from Meknes (Morocco) and ultimately from pre-expulsion Toledo. From his early 20s, he combined rabbinic learning, public service, and historical and bibliographic interests.[29] During World War I, he (along with other Jews with French citizenship) was exiled to Corsica, where he served as rabbi; later he served as rabbi and dayyan in such diverse places as Tangiers, Cairo, and Alexandria. In 1942, he was chosen as Chief Rabbi of Tel Aviv, and for about a year before his decease served as Israel's Minister of Religious Affairs. As many other Sephardic members of the Old Yishuv, Rabbi Toledano held a very positive attitude toward the Zionist “New Yishuv,” and considered the anti-Zionist positions of many Ashkenazic rabbis of the Old Yishuv to be religiously misguided. The murder of his younger brother Meir at the hands of Arab rioters in Safed (1929) led him to compose a responsum on the halakhic duty of Jewish self-defense.[30] In this teshuva, he argued powerfully for the need to re-think what had been considered by many as halakhically taken for granted:

> Many of our great rabbis, both in former generations and in current times, erred—and misguided the simple masses of our people—in the belief that as long as we are in this hard Exile we are forbidden to lift up our head. Rather, we are commanded to bow ourselves down before every tyrant and

> ruler, and to give our backs to the smiters and our cheeks to them that pluck off hair (Isaiah L:6); as if the blood of Israel had been forfeited, and as if He—blessed be He—had decreed that Jacob be given for a spoil and Israel to the robbers (Isaiah XLII:24). They thought, that the decree of Exile and servitude to the nations included slavery and lowliness, and that—as a matter of sanctifying the Name even at the price of one's life—a Jew must forfeit his life and surrender himself like a slave or prisoner of war to Israel's enemies, even in a situation in which it would have been possible to resist them and to retaliate in kind.
>
> Let me, then, state outright, that—begging their pardon—they caused the loss of individual lives and of entire communities of the Jewish people, who in many instances might have saved themselves from death and destruction, had the leaders and rabbis of the generation instructed them that they were obligated to defend themselves against aggressors, according to the rule, “If a person comes to murder you—kill him first” (*ha-Ba le-Horgekha—Hashkem le-Horgo*).

Exile of the Jews from their homeland had indeed been ordained by God as a punishment for their sins. However, it was intended as a *political* punishment, i.e., rather than being ruled by themselves in the Land of Israel, the Jews were to be ruled by others in foreign lands. But this was not intended by God as a situation in which a Jew was obligated to refrain from defending himself if attacked. It was the rabbis—first of Ashkenaz and then of additional countries—who advocated such a distorted interpretation of God's will, and preached it to the Jewish masses. Many Jews who could have defended themselves against Gentile attackers therefore acquiesced passively to their own victimization—and the rabbis bore full responsibility for these terrible consequences. In contrast, writes Rabbi Toledano,

> […] I praise the flowers of this new generation who “awoke and wakened” to revive oppressed hearts, to engirdle themselves with a courageous spirit, and to restore the crown of Israel's honor to its pristine glory. And it is with regard to this that the Bible says: "And I will give you a new heart, and instill in you a new spirit" (Ezekiel 36:26).

The flowers of the new generation are the Jewish youth of Mandatory Palestine who rejected the rabbinic passivity described above, and organized themselves to defend Jews from armed attacks. They were by and large not religiously observant—but Rabbi Toledano regards them as embodying the revival of Israel's spirit, prophesied by Ezekiel to occur at the time of redemption. Significantly, it was not the rabbis but the young non-traditional Jews who were in tune with the authentic values of Judaism. In the final section of this article, we will see another instance in which a great Sephardic halakhic scholar advocated a positive attitude toward the actions of the Zionist rebuilders of modern Israel, and also powerfully critiqued traditional rabbinic attitudes toward Jewish education for females.

Rabbi Matloub 'Abadi

In modern times, Sephardic rabbis did not reside only in Muslim Lands and in Israel. Thus, at the beginning of the twentieth century, a community of Jews hailing from Syria began to form in New York, and over time became a significant presence—especially in the Brooklyn area. Aleppo-born Rabbi Matloub 'Abadi (1889–1970) arrived in the United States in 1921, and was the greatest scholar of the Syrian-Jewish community in America. A slightly younger peer of Rabbi Toledano, his views with regard to the Zionist national project in the Land of Israel were also very positive. A fine example of this may be found in his address to the graduates of the Syrian community *Talmud Torah* in Brooklyn, on 7 Shevat 5699/ February 27, 1939:

> Happy shall you be if you use this time for the good of the Land of Israel, the pride of our past and the luminescence of our future, to fulfill your duty toward it and to help it with all the means and the ways leading to rebuilding its ruins and making its settlement bloom. Remember our pledge to Zion on the rivers of Babylon and our aspiration and prayers to it over all generations. Do not be among those who falter behind its camps; be in the first ranks of its defenders and the fighters for its freedom, and take an important place among its loyal sons and builders.[31]

The Zionist character of these words is obvious and manifest. Attention should be paid also to the activist political-military element in Rabbi 'Abadi's words: The

youth of the community are called not only to build the ruins and make the settlement bloom, and also not to content themselves with defense alone, but rather to be among "the fighters for [the country's] freedom." In this context, it is relevant to note one of the great virtues of studying the Bible, according to Rabbi 'Abadi:

> Because of our sins we were exiled from our Land and lost our kingdom and our freedom, but we did not lose our Torah, the treasury of our delights and the source of our hope, which attests to our historical rights and to our original possession of them.[32]

The Torah, in addition to its importance as bearer of religious content and the norms binding the people of Israel, is thus also evidence of the "historical rights" of the people of Israel to the Land of Israel, which is one of the reasons it is important to nurture its study and strengthen the connection to it. The term "historical rights" is not one that stems from the halakhic or philosophical rabbinical lexicon but is rather part of the discourse of modern Zionism that is intended to anchor the justification of the Jewish national claim for political sovereignty over the Land of Israel.

That Rabbi 'Abadi makes use of this term in his address to his students in early 1939 shows that this term was familiar and meaningful for them and that he felt comfortable using this term and utilizing it in order to explain and strengthen their attitude toward Torah and its study. Of course, Rabbi 'Abadi did not believe that the Jewish connection to the Land should be based solely on historical right, just as he did not believe that the connection to the Torah is solely a national-cultural one. But it is clear that, according to his worldview, no contradiction exists between political Zionism and religious loyalty to Torah and to the Land of Israel; rather, they complete and strengthen each other.

Another similarity between Rabbi 'Abadi and Rabbi Toledano is their boldness in critiquing conventional rabbinic policy, when they were convinced that earlier generations held mistaken positions. Thus, another issue that Rabbi 'Abadi asked his students to champion (in addition to Zionism) was extending Jewish education to include girls, who had traditionally been excluded from such studies:

> And may you succeed also in redeeming female captives! These are our daughters—the spine of the cultivation of the future generation—whose education we have disregarded. And to this day, only a very small percentage of them continue their Hebrew education. And most of them are similar, in adulthood, to Jews captured in infancy by Gentiles. May it be God's will that you redeem them a full redemption.[33]

If these girls are captives, who are their captors? Clearly, these are the men, and especially the rabbis, the knights of the traditional cultural order, who fail to offer girls a formal Jewish education and thus deprive them of the freedom of knowledge. This despite the fact that the girls, when mothers, would be "the spine of the culture of the future generation"—powerful criticism, indeed, directed against the traditional leadership of Syrian Sephardic Jewry, from the mouth of the community's most prominent scholar.[34]

Conclusion

It was my modest goal in this article to introduce to the readers some Sephardic rabbis of modern times with whom they may have been unacquainted, and while doing so, to provide examples of the value considerations and policies these rabbis employed in responding to challenges that modern developments posed to the continuity of Jewish life and Jewish community. It is my hope that these examples will encourage the reader to broaden and deepen his/her interest in the writings and creativity of Sephardic and Middle Eastern rabbis and to reflect upon the significance these values and policies may hold for current Jewish life.

[1] Responsa *Nediv Lev*, *Even Ha'ezer*, #2 (5763/2003), p. 7. For a slightly different presentation of the chain of events, see Rabbi Ḥayyim Pallache, Responsa *Ḥayyim VeShalom*, #12).

[2] *Nediv Lev*, *ibid*., pp. 8–9.

[3]For more about Rabbi Somekh, see: Avraham Ben Ya'kov, *ha-Rav ʻAbdallah Somekh,* Jerusalem 1949 (Hebrew); Zvi Zohar, "Somekh, ʻAbd Allah," in: Norman Stillman (ed.), *Encyclopedia of Jews in the Islamic World*, IV, Leiden, 2010, pp. 401–403. This work will henceforth be cited as *EJIW.*

[4] With regard to Rabbi Harofeh, see: Zvi Zohar, "Jacob ben Joseph ha-Rofe," *EJIW*, III, p. 3.

[5] ***haTsefirah*, 26 Tishrei 5690, p. 891.**

[6] Rabbi 'Abdallah Somekh, Responsa *Zivḥei Tzedeq ha-Ḥadashot*, responsum 99.

[7] I will remind readers that already in late antiquity the great rabbis of the Mishnaic period determined that the death penalties explicated in the Torah could not be implemented—even by the highest court, the *Sanhedrin* sitting in the Chamber of Hewn Stones on the Temple Mount—for rules of evidence were defined in such a way as to prevent (or almost prevent) imposing a death sentence (see: tractate *Makkot,* ch. 1, mishnah 10; Babylonian Talmud, *Makkot* 7a). Following the destruction of the Temple in the year 70 ce, these punishments

became totally non-applicable. Thus, characterizing a transgression as "deserving stoning" is essentially a way to note the extreme severity of the transgression in the eyes of the Torah.

[8] In the century preceding 1937, "the Jewish community of Alexandria was radically transformed. Numbering in the hundreds at the beginning of the nineteenth century, it reached ten thousand by the end of the century … [leading to] diversity in the social composition and cultural orientation of Alexandrian Jewry." See: Tomer Levi and Norman Stillman, "Alexandria—Colonial Era," *EJIW*, 1 (2010), p. 136.

[9] On Rabbi Pardo see: Shlomo Ḥazan, *Hama'alot Li-Shlomo* 196a–b (1894); Efraim Ben Daniel Levy '*Toledot Hameḥaber*," Responsa *Tsedeq u-Mishpat*, pp. 7–8 (Moshe Pardo, 1982).

[10] *Meqabtziel* vol. 13 (1989), 9–18. The responsum bears the date 26 *Menachem Av* 5631 (Parallel to the date 15.8.1871). I thank Rabbi Haim Amsalem for directing my attention to this source.

[11] For a discussion of the different positions held by halakhic scholars with regard to the circumcision of a boy born to a Jewish man from a Gentile wife, see: Zvi Zohar, *Ve-lo Yiddaḥ Mimennu Niddaḥ* 297–298 (2012), and the sources mentioned there.

[12] *Meqabtziel* (above, note 10), 16.

[13] *Meqabtziel*, *ibid*.

[14] Rabbi Pardo cites his renowned grandfather, Rabbi David Pardo (Venice 1719—Jerusalem 1792), who wrote: "It is explained in the words of the *posqim* of blessed memory in several places, and especially in *Yoreh De'ah* in the matter of religious prohibitions (*issurim*), that *she'at hadeḥaq* and *bedi'avad* are equal. Whenever something is [normally] permitted *ex post facto*, in a time of exigency it is permitted even *a priori* (Rabbi David Pardo's statement is printed in Responsa *Brekhot HaMayyim,* 133c).

[15] *Entziklopedia Talmudit* volume 7 column 406 (1947): "A situation that "cannot be fixed"—is considered *ex post facto*, and is permitted even *a priori*."

This is stated inter alia by the Taz on *Yoreh De'ah* 91(b). The Taz relies upon Rabbi Moshe Isserles, who wrote in *Torat Ḥattat* 17:4 that "A time of exigency…. is like *ex post facto*."

[16] Responsa *Darkhei No'am, Yoreh De'ah*, responsa 14-15. In these two responsa relating to the same case, the author (Rabbi Mordekhai haLevi, chief rabbi of Cairo, died in 1684) and his colleague Rabbi David Gershon (head of the Rashid Rabbinic court) reached an identical conclusion.

[17] It is striking that Rabbi Mordecai HaLevi uses this phrase that originates in Exodus 21:4, with regard to a markedly contrasting situation. That verse refers to a Gentile slavewoman who cohabited with a Jewish slave ['*eved 'ivri*]. No permanent union is recognized as having been created, and thus when the slave's term of servitude ends, "the wife and her children" remain in possession of the master who originally purchased her. Here, on the other hand, the master ("Reuven") relinquished his ownership, and "the wife and her children" will "belong," after the *giyyur*, to her Jewish husband—with recognition granted to the family unit originally formed when the woman misrepresented herself as Jewish.

[18] *Darkhei No'am*, section 14, above note 148.

[19] And whose views on inclusiveness vs. partially assimilated Jews are discussed immediately below.

[20] *Neve Shalom*, 49a (1894).

[21] This is a period of time in which a couple are required to refrain from sexual relations, to enable determination if the woman had been pregnant at the time these months began. In the context of *giyyur*, months of discernment can serve to determine if a baby born about seven or eight months after the *giyyur* already existed in the mother's womb at the time of the conversion (and if so, the newborn child will be a *Ger Tsedek*), or if the pregnancy began after the *giyyur*, in which case the newborn child is a "seed sown in holiness." About "months of discernment," see *Ve-lo Yiddaḥ Mimennu Niddaḥ* (above note 11), pp. 257–260.

[22] Discussed above in the first section of this article.

[23] *Oraḥ Hayyim* 169:1.

[24] *Nehar Mitzrayyim,* 14b.

[25] Rabbi Eliyahu Ḥazan, *Ta'alumot Lev*, volume 3. Alexandria, 1903, fol. 39d. I discuss this ruling by Rabbi Ḥazan in my article "Teleological Decision Making in Halakha: Empirical Examples and General Principles," *Jewish Law Association Studies* XXII (2012), pp. 331–362.

[26] First, if there is no appropriate wine, the evening Kiddush can be said over bread. Second, according to halakha, Kiddush can be recited in any language. It seems, therefore, that these Jews did not consult anyone on these matters but rather followed their own intuitions. It is also possible that their actual reasons for not saying Kiddush were different and were not known to Rabbi Ḥazan.

[27] These were the main communal synagogues of Alexandria.

[28] *Ta'alumot Lev*, *ibid*., 39d–40a.

[29] Thus, in 1911 he published *Ner haMa'arav*—a history of the Jews of Morocco; he and his brother Barukh discovered in Damascus a manuscript of major sections of the Arabic text of Maimonides' Commentary on the Mishna and published it in 1915. He also discovered and obtained many other rare rabbinic manuscripts form the Middle East.

[30] Responsa *Yam HaGadol*, Cairo 1931, responsum #97.

[31] Rabbi Matloub 'Abadi, *Magen Ba'adi*, New York 1970, p. 304.

[32] *Ibid*, p. 303.

[33] *Magen Ba'adi*, p. 304.

[34] Around that same time, similar criticism was voiced within the Syrian community in Argentina by the Damascus born Rabbi Yaakov Mizrahi. See: Ya'akov Mizrahi, *Zaraḥ Ya'aqov*, Lod, 1994, pp. 45–50, 58–60.