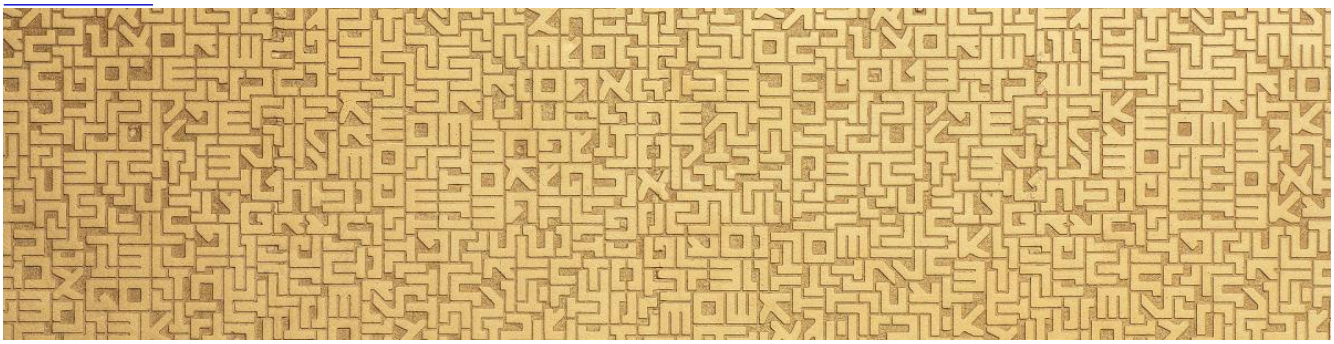
Three Short Essays on Modern Sephardic Posekim

View PDF



Rabbi Haim Jachter serves as Rabbi, Congregation Shaarei Orah, the Sephardic Congregation of Teaneck, NJ; Rebbe, Torah Academy of Bergen County; and Dayan, Beth Din of Elizabeth, NJ. These essays are part of Rabbi Jachter's forthcoming book, Sephardic Savvy: Demystifying 101 Differences between Sephardic and Ashkenazic Jews. This article appears in issue 36 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

Sephardic Rabbinic Approaches to Zionism

Rav Baruch Gigi, the Rosh Yeshiva of Yeshivat Har Etzion (Israel's largest Yeshivat Hesder), served as scholar-in-residence at Congregation Shaarei Orah, the Sephardic Congregation of Teaneck, on Shabbat *Parashat Vayikra* 5778. One of Rav Gigi's outstanding presentations was a fascinating lecture on the topic of Sephardic Rabbinic approaches to Zionism.

The Anti-Zionism of the Satmar Rav

Rav Gigi began by presenting the anti-Zionist approach of the Satmar Rav. This approach is rooted in the Gemara (*Ketuvot* 111a), which states that God imposed an oath upon us that we would not take Eretz Yisrael by force ("*shelo ya'alu Yisrael b'?oma*").

Rav Meir Sim?a of Dvinsk (the author of the *Meshekh ?okhma* and the *Ohr Same'a?*) reacted to the League of Nations' ratification of the Balfour Declaration, which granted the Jews a national home in Eretz Yisrael, with three words: "*Sar pa?ad haShevua*"—the concern for the oath not to take Eretz Yisrael by force no longer applies, since permission was granted by the international community. The *Avnei Nezer* (*Teshuvot, Yoreh De'ah* 456) agreed with this assessment.[1]

In contrast, the Satmar Rav insisted that the oath remained in effect even when permission for Jews to reside in, and eventually govern, part of the land was granted by the League of Nations and the United Nations. The Satmar Rav regarded the political pressure placed on the League of Nations and United Nations delegates by Zionist leaders as constituting returning to Eretz Yisrael by force.

This represents a fundamental opposition to Zionism, not simply a feeling of unease with cooperating with non-observant Jews. Rav Gigi argues that such fundamental opposition to Zionism is virtually non-existent among leading Sephardic rabbis.

Rav Yehuda Alkalai

Rav Yehuda Alkalai (1798–1878), a great Sephardic Rav from Serbia, is counted among the founders of modern Zionism. His work espousing large-scale Jewish settlement in Eretz Yisrael, *Min?at Yehuda* , predated Theodore Herzl. Moreover, in his *Goral LaHashem*, Rav Alkalai presented a detailed plan for the reestablishment of the Jewish State in Eretz Yisrael, which is said to have greatly influenced Herzl's extremely influential work, *The Jewish State*.

Rav Alkalai argues that natural redemption precedes the supernatural redemption. He refers to this as the Mashia? ben Yosef preceding the Mashia? ben David. A central idea of Rav Alkalai (that appears in *Min?at Yehuda*) elaborates on the statement of Rav Eliezer (*Sanhedrin* 97b, codified by the Rambam, *Hilkhot Teshuvah* 7:5): "*En Yisrael nigalin ela beTeshuvah*," "The Jewish People will not be redeemed without *teshuvah* (repentance)." Rav Alkalai distinguishes between *teshuvah* of the individual and *teshuvah* of the community. The individual must repent in the most straightforward manner; one must correct any lapses in Torah observance. In contrast, national *teshuvah* refers to our nation returning to Eretz Yisrael. Rav Alkalai proves this point from the etymology of the word *teshuvah*, which means to return to one's original place of residence, as in the *pasuk*, "*U'teshuvato haRamata ki sham beto*" ("And his return was to Ramah, for there was his house," *Shemuel* I 7:17).

After Rav Alkalai made *aliya* in 1874, he moved to Jerusalem, where he engaged in major debates with the rabbis of the Yishuv HaYashan, the traditional Jewish community in Jerusalem, which opposed activist settlement in Eretz Yisrael.

Support for Zionism among Great Moroccan *Rabbanim*

The great Moroccan *Rabbanim*, ranging from Rav Shalom Messas to the famous Baba Sali, were enthusiastic supporters of Zionism. Indeed, Rav Gigi recalled from the years in which he was raised in Morocco that there was widespread support and enthusiasm for Zionism in all circles. Rav Shalom Messas maintained that one should recite *Hallel* on Yom HaAtzma'ut with a blessing. However, out of respect to the ruling of Rav Ovadia Yosef, he ruled that *Hallel* should be recited without a blessing (*Teshuvot Shemesh U'Magen* 3:63:6).

The Baba Sali asserted that the State of Israel was created in the merit of the poem composed by his son, the Baba Meir, called "*Degel Yisrael Herima*," "The flag of Israel has been raised." When the Baba Sali was told that secular Jews were building the State of Israel, he replied by citing the *Na?em* prayer, which we recite on Tisha B'Av: "*Ki Atah b'esh hitzata, uva'esh Atah atid l'vnota*"—with fire Yerushalayim was destroyed and with fire it will be rebuilt. He explained that just as Jerusalem was

destroyed by the fire of idolatry, it will sadly be rebuilt by idolatry.

Israeli agents for *aliya* were well received in Morocco. Rav Yitzchak Abu?atzeira, the Chief Rabbi of Ramle, is remembered for allowing his house to serve as a place of transition for Jews making *aliya*. Although there was great debate in Moroccan communities about the Alliance schools, which brought secular studies to Sephardic communities, the debates related to the fact that these schools influenced their students to abandon Torah ways; they had nothing to do with Zionism.

Finally, Rav Amram Aburbeh was a noted Moroccan Rav who was an enthusiastic supporter of Zionism and predicted Israel's massive victory in the Six Day War with God's help, months before his passing in 1966.

Rav Ovadia Yosef

Rav Ovadia Yosef recited a *MiSheberach* prayer for the soldiers of *Tzahal* (the IDF) each time the Ark was opened to remove the Torah on Shabbat morning. Rav Ovadia expresses his strong support for the State of Israel in one of his Responsa (*Yabia Omer* 11: *?oshen Mishpat* 22), where he explains his position permitting the exchange of Israeli land for peace. Members of Kenesset from the Shas party, which was guided by Rav Ovadia, are permitted to serve as cabinet ministers in the Israeli government, unlike the Ashkenazic ?areidi members of Kenesset, who join the governing coalition but are forbidden by their rabbinic leaders to serve as cabinet ministers. The *Yalkut Yosef*—written by Rav Ovadia's son, Rav Yitz?ak Yosef—is replete with instructions for Israeli soldiers, something that is (sadly) anathema in many Ashkenazic circles.

A contrast between Rav Ovadia's reaction to the great Entebbe rescue in 1976 with that of the Satmar Rav is most instructive. Whereas the Satmar Rav reacted with condemnation (based on the Mishna in *Gittin* 45a),[2] Rav Ovadia reacted with the utmost enthusiasm (*Yabia Omer* 10: *?oshen Mishpat* 7; *Ye ?aveh Da'at* 2:25).

Rav Ovadia rules (*Ye?aveh Da'at* 5:63) that one must fully comply with Israeli tax regulations. In this responsum, Rav Ovadia even endorses Rav Kook's ruling that a government accepted by the Jewish People in Eretz Yisrael enjoys the status of a king in certain regards. Rav Ovadia frequently cites Rav Kook in his Responsa in the most respectful and reverential manner, which unfortunately in not always the case among Ashkenazic ?areidim.

Sephardic Rabbinical Opposition to Zionism

Rav Gigi noted that there were Sephardic rabbis who opposed Zionism and even issued proclamations to refrain from voting in Israeli elections. He observed, however, that their opposition was not rooted in a fundamental opposition to Zionism, but rather stemmed from disapproval of nonobservant members of the Israeli government and the improper pressure placed on Sephardic *olim* to enroll their children in secular public schools, which encouraged the abandonment of a Torah lifestyle.

Rav HaLevy, Rav Uziel, and Rav Hadaya

Rav Gigi concluded by noting two great Sephardic rabbis who were enthusiastic supporters of the State of Israel and Religious Zionism, Rav ?ayim David HaLevy and Chief Rabbi Ben Tzion Meir ?ai Uziel.

Rav ?ayim David HaLevy, who for many years served as the Sephardic Chief Rabbi of Tel Aviv, makes his support for Religious Zionism clear in his works, such as his *Teshuvot Asei Lekha Rav*. His *Kitzur Shul?an Arukh, Mekor ?ayyim* has served for decades as the basic halakhic work taught in Religious Zionist schools.

Rav Ben Tzion Meir ?ai Uziel served as the first Sephardic Chief Rabbi of the State of Israel and composed, together with Chief Rabbi Yitz?ak Herzog and Shai Agnon, the *Tefillah L'Shlom HaMedina* (prayer for the State of Israel). Rav Uziel wrote: "A great and miraculous merit has been revealed in this generation, to fulfill the words of the prophets to establish a Jewish State in Eretz Yisrael." Rav Uziel proceeded to implore all Jews "to return to full Torah observance and to guard the people and State of Israel."

We should add that Rav Ovadia Hadaya, a major Sephardic mid-twentieth century halakhic authority, describes the establishment of the State of Israel as "*te?ilat haGeula*," the beginning of our redemption (*Teshuvot Yaskil Avdi* 6:10). He describes the miracles of Israel's War of Independence as comparable to the miracles of ?anukkah and the splitting of the Red Sea. Although he believes that a blessing should not be said on *Hallel* recited on Yom HaAtzma'ut, his enthusiasm for Medinat Yisrael is presented unambiguously.

Conclusion

Support for Zionism is quite strong among Sephardim, even in ?areidi circles.[3] Fundamental opposition to the State of Israel, such as was voiced by the Satmar Rav, is virtually unheard of in the Sephardic community.[4] Thus, I was not surprised to hear that Rav Eli Mansour, a Sephardic ?areidi leader in Brooklyn, strongly encouraged his followers to attend the AIPAC policy conference in Washington in 2018.[5]

*****

Four Distinct Elements of Yemenite Practice

The most cogent way to describe Yemenite Jews and their halakhic practice is "very distinctive." Their pronunciation of Hebrew,[6] appearance,[7] and halakhic rulings mark them as a unique segment of the Jewish people.

There are four elements of Yemenite practice that give it its unique flavor.

Element #1: A Very Conservative Bent

Yemenite halakha is the most conservative of all of the streams of our people; Yemenite Jews adhere closely to the original practice recorded in the Talmud and *Rishonim*. Yemenites are virtually the only Jews who still read the Targum Onkelos during Torah reading (as per *Megilla* 23b). In addition, unlike other Jews who have a *ba'al keri'a* read the Torah on behalf of those who receive an *aliya* at the public Torah reading (a practice already noted by *Tosafot*, *Megilla* 21b, s.v. *tanna*), Yemenite Jews preserve the original custom for the *oleh* to read the portion himself.

Other examples are the Yemenite practice to eat meat during the Nine Days until the *se'uda haMafseket*, the pre-fast meal, as is the original practice recorded in the Mishnah and Gemara (*Ta'anit* 26b and 30a). Many Yemenites do not perform the ritual of *Tashlih*, as it doesn't appear in the Talmud, Rambam, or *Shul?an Arukh*.[8] On Rosh Hashana, many Yemenites sound only 40 *kolot* (*shofar* blasts), the original practice in the time of the Talmud (as described by the Rambam, *Hilkhot Shofar* 3:10), as opposed to the 100 *kolot* sounded by most other Jews. Yemenite Jews are the only Jews who still practice *atifat haRosh* (covering the head with a *tallit*) and *?alitzat katef* (exposing the shoulder) during *shiva*, as is the original practice presented in the Gemara (*Moed Katan* 22b).

The most famous example of Yemenite halakhic conservatism relates to *?erem D'Rabbenu Gershom*, which prohibited marrying more than one wife. Whether de facto or de jure, Yemenite men did not accept the practice to refrain from marrying more than one wife. Until their arrival in Eretz Yisrael, they continued the original practice to marry more than one wife.[9]

Element #2: Maintaining Traditions

There is a distinct advantage to the ultra-conservative bent of Yemenite Jews. As a result of their extraordinarily strong inclination to preserve the past, they have succeeded in preserving many of our traditions (*mesora*) that have been lost by most other Jews over the centuries.

Rashi (*Vayikra* 11:22) already notes the loss of the tradition as to how to distinguish between kosher and non-kosher grasshoppers. Yemenite Jews have kept this tradition alive. The same applies to the processes of *nikur ?elev* and *gid hanasheh* (removing forbidden fats and sinews from slaughtered animals). Rav Eliezer Melamed explains:

The accepted custom in Israel today goes according to *nikur Yerushalmi*, i.e., to be very stringent and to perform *nikur* on everything that is close and similar to *?elev* and the branches of the *gid hanasheh* and its fats, to the point that approximately 13–25% of the weight of the hind flesh is lost. Only the immigrants from two communities, Yemen and Morocco, meticulously guarded the tradition of *nikur*, according to which only about 5% of the weight of the hind flesh is lost.[10]

Similarly, although many Sephardic Jews maintained a tradition to bake soft *matzot*, the Yemenites are the most renowned for their fidelity to this practice.

Element #3: Allegiance to the Rambam

As is well-known, Yemenite Jews had a very close relationship with the Rambam. The Rambam's grandson, Rav David HaNagid, reports that Yemenite Jews posed more questions to the Rambam than any other group of Jews. This special bond is maintained to this day, although to varying degrees.

Yemenites follow rulings of the Rambam that most other Jews do not accept. One example is the practice to recite a blessing upon entering a *sukkah* even if one is not going to eat in the *sukkah* (as per *Hilkhot Sukka* 6:12). Another is allowing reheating of liquids (such as soup) on Shabbat that were cooked before Shabbat. Many Yemenites follow the Rambam's ruling (*Hilkhot Shabbat* 22:8) that the rule of "*en bishul a?ar bishul*" (once a food is fully cooked, there is no further cooking process) applies even to liquids.[11]

Most famously, Yemenites respond "*Halleluya*" to each section of *Hallel*, for a total of no less than 123 times, in accordance with the Rambam's ruling (*Hilkhot ?anukkah* 3:12). Yemenites similarly follow the Rambam's requirement (*Hilkhot Ma'akhalot Assurot* 6:10) that meat be boiled (*?alita*) after salting to seal in any remaining blood. The *Shul?an Arukh* (*Yoreh De'ah* 69:19), by contrast, does not require *?alita*.

Interestingly, many Yemenite Jews recite a *Borei Peri HaJofan* on all four cups of wine at the *seder*, in accordance with the ruling of the Rambam (*Hilkhot ?ametz U'Matza* 8:5, 10). This stands in contrast to Sephardic Jews, who follow the *Shul?an Arukh*'s ruling to recite *Borei Peri HaGefen* only on the first and third *kosot* (*Shul?an Arukh*, *Ora? ?ayyim* 474:1, 480:1).

The custom accepted by the *Shul?an Arukh* (*Ora? ?ayyim* 46:1) is to recite all the *Birkot HaSha?ar* (early morning blessings) at once, so as not to forget one of them. However, the original enactment of *?azal* was for the *Birkot HaSha?ar* to accompany the process of arising in the morning and for everything to be blessed adjacent to its benefit (*Berakhot* 60b). This is how the Rambam (*Hilkhot Tefillah* 7:9) ruled in practice—but only in the Yemenite community do some still follow this custom to this day.

Element #4: Unique Practices

Yemenites maintain some unique practices. Whereas the Ashkenazic and Sephardic *shofar* is made from the horn of a domestic ram, a Yemenite *shofar* is made from the horn of an African kudu and has an elongated and curvy body. Interestingly, Yemenite Jews developed the practice to use this type of *shofar* in light of the preference to use the horn of a ram in order to invoke the memory of the Binding of Isaac (see *Rosh Hashana* 16a).

The Yemenite *etrog* is a classic example of a type of *etrog* with a highly respected tradition that ensures it was not grafted with a lemon. The Yemenite *etrog* is distinguished by its lack of pulp. Yemenite Jews typically use a very large *etrog*, somewhat reminiscent of the story recorded in the Gemara (*Sukka* 36b) about the extraordinarily large *etrog* that Rabbi Akiva brought to his synagogue. [12]

Many Yemenites tie their *tzitzith* in a manner consistent with that which is set forth in the Rambam (*Hilkhot Tzitzith* 1:6).

Many Yemenites eat roasted meat at the Seder. The Mishna (*Pesa?im* 53a) records the differing communal practices as to whether roasted meat is consumed on the first night of Pesa?. The potential

concern is the appearance that one is partaking of the *Korban Pesa?* (which was roasted) outside of the Temple. The *Mishna Berura* (476:1), *Arukh HaShul?an* (*Ora? ?ayyim* 476:1), and Rav Ovadia Yosef (*Teshuvot Ye?aveh Da'at* 3:27) all record that the *A?aronim* agree that the custom is to refrain from roasted meat on the night of Pesa?. Despite this, the Yemenite community is the only Jewish community that still consumes roasted meat on the *seder* night!

Conclusion

One's knowledge of Jewish practice is not complete without awareness of Yemenite practices. When noting Jewish practices, one should be cognizant to note Ashkenazic, Sephardic, and Yemenite practices. Although outside of Israel Yemenite congregations are relatively few in number, in Israel their presence is keenly felt. Most Israeli communities boast not only Ashkenazic and Sephardic synagogues, but a Yemenite one as well. Our investment in discovering Yemenite practice is well worth the effort, as only when including Yemenite practice is the picture of Jewish practice complete.

*****

Rav Mordechai Eliyahu: A Major Twentieth-Century Sephardic *Posek*

Many Jews outside the Sephardic orbit think that three individuals constitute the corpus of Sephardic Halakha: the Rambam, Rav Yosef Karo, and Rav Ovadia Yosef. Of course, the Rambam was far from the lone Sephardic great *Rishon*, and Rav Yosef Karo is joined by a phalanx of great Sephardic *A?aronim*, such as the *Peri ?adash* and the *?ida*. Rav Ovadia Yosef, in turn, was far from the only great Sephardic *posek* of the second half of the twentieth century. In this chapter, we discuss another twentieth century Sephardic "superstar," Rav Mordechai Eliyahu.

Three Distinctions from Rav Ovadia

Rav Eliyahu, who served as Israel's Sephardic Chief Rabbi from 1983 to 1993, adopted a very different style from that of Rav Ovadia Yosef. We can point to three significant differences.

Rav Ovadia did not emphasize Kabbalah, and his rulings famously differed quite often from those of the great nineteenth-century authority the *Ben Ish ?ai*, Rav Yosef ?ayim of Baghdad, who incorporated a great deal of kabbalistic thought and practice in his rulings. Rav Ovadia even composed a multi-volume work entitled *Halikhot Olam* in which he defends his deviations from the *Ben Ish ?ai*'s rulings.

By contrast, Rav Eliyahu retained a fierce loyalty to the rulings and approach of the *Ben Ish ?ai*. For example, Rav Eliyahu's edition of the *siddur*, *Kol Eliyahu*, and his *sefer Darkhei Taharah* are replete with references to the *Ben Ish ?ai*. This is hardly surprising, considering that Rav Eliyahu's father and grandfather were close to the *Ben Ish ?ai* and Rav Eliyahu's wife, Mazal, was the *Ben Ish ?ai*'s great-niece. One can fairly assert that Rav Eliyahu presented a contemporary version of the *Ben Ish ?ai*'s

rulings, which are characterized by its infusion of kabbalistic influence and an orientation to accommodate a broad base of opinions.

Rav Eliezer Melamed describes Rav Mordechai Eliyahu's approach to halakha:

Rav Yosef ?ayim of Baghdad was unique in that he merged and incorporated all the significant opinions in his halakhic rulings. The base of his rulings was the *Bet Yosef* and *Shul?an Arukh*. However, in addition he considered the other great *posekim*, both Ashkenazic and Sephardic. Rav Eliyahu remarked that at times the *Ben Ish ?ai* followed the [Ashkenazic] *Magen Avraham* and the *Shul?an Arukh HaRav*.

Rav Eliyahu continued in this path. He would remark that it is not our role to discover lenient approaches and follow them. Rather, we should find the path to satisfy the consensus opinion, and only in case of pressing need (*sha'at haDe?ak*) rely on the lenient opinions.[13]

This stands in stark contrast to Rav Ovadia Yosef, whose halakhic rulings are renowned for their lenient orientation. This difference in orientation is specifically pronounced with regard to *taharat haMishpa?a* (laws of family purity). Rav Ovadia's three-volume work on this area of Halakha, entitled *Taharat HaBayit*, adopts a far more lenient approach than Rav Eliyahu's *Darkhei Taharah*.

A third difference relates to the attitude toward the State of Israel specifically and modernity in general. While Rav Ovadia certainly adopted a positive approach to Medinat Yisrael, Rav Eliyahu was more of an ardent Zionist. He thus captured the loyalty of Israel's "*?areidi-Le'umi*" (scrupulously observant Zionist) community. He served as a soldier in Israel's War of Independence, enthusiastically embraced Jewish settlement of Yehuda and Shomron, and often visited soldiers in the Israel Defense Forces to offer encouragement.

With regard to modernity, one example highlights a difference between Rav Eliyahu and other great rabbis. Rav Eliyahu wrote (*Te?umin*, vol. 3, p. 244) that under current circumstances, religiously observant judges can make a positive contribution to the Israeli civil court system.[14] This is quite a contrast with the stance of Rav Shalom Messas (*Teshuvot Shemesh U'Magen* 3: *Even HaEzer* 44), who invalidated a wedding because one of the witnesses served as a judge in the Israeli civil court system. Although the witness was a practicing Orthodox Jew, Rav Messas claims that anyone who serves as a judge in civil court is considered a thief, because he forces people to pay money even when the halakha does not necessarily require the payment.

Rav Yisrael Rozen, in his dedication of *Te?umin* vol. 31 in memory of Rav Eliyahu, writes:

At Machon Tzomet, we have stored numerous rulings of Rav Eliyahu regarding security in settlements and the Israel Defense Forces on Shabbat, as well as other government and communal service providers, such as hospitals, fire departments, and allied sectors. All of these rulings were thoughtful and effective.[15]

Three Specific Areas of Disagreement

Three disputes regarding prayer bring to life the difference in approach between Rav Mordechai Eliyahu and Rav Ovadia in terms of conflicting fidelity to the *Ben Ish ?ai* and the *Bet Yosef*.

One who Omits *HaMelekh HaMishpat*

Rav Ovadia (*Teshuvot Ye?aveh Da'at* 1:57) rules that a Sephardic Jew who omits "*haMelekh haMishphat*" during the *Aseret Yemei Teshuva* (the days from Rosh Hashana through Yom Kippur) must repeat his *Amida*, in accordance with the ruling of the *Shul?an Arukh* (*Ora? ?ayyim* 582:2). Rav Mordechai Eliyahu (*Siddur Kol Eliyahu*; *Teshuvot Ma'amar Mordechai*, *Aseret Yemei Teshuva* 19), on the other hand, rules that one should follow the ruling of the *Ben Ish ?ai* (year 1, *Parashat Nitzavim* 19).

***She'asa Li Kol Tzorki* on Tisha B'Av and Yom Kippur**

Rav Ovadia for many years ruled that one should not recite the early morning blessing of *She'asa li kol tzorki* on Tisha B'Av and Yom Kippur. Since this blessing is an expression of thanks for shoes (*Berakhot* 60b), this blessing would appear to be inappropriate for Tisha B'Av and Yom Kippur, when we are forbidden to wear leather shoes. However, later in life, in his *?azon Ovadia* (*Yamim Nora'im*, p. 320), Rav Ovadia disagreed with the *Ben Ish ?ai* and ruled that a person should indeed make the blessing of *She'asa li kol tzorki* even on Tisha B'Av and Yom Kippur.[16]

Among Rav Ovadia's explanations are that since there are Jews who legitimately wear shoes on Tisha B'Av (for example, a pregnant woman or the elderly), all Jews may say *She'asa li kol tzorki* on Tisha B'Av and Yom Kippur. Most important for Rav Ovadia, Rav Yosef Karo does not distinguish between Tisha B'Av and Yom Kippur and all other days with regard to this blessing. Thus, *She'asa li kol tzorki* should be said even on these two days.

Rav Mordechai Eliyahu (*Siddur Kol Eliyahu*) remains loyal to the ruling of the *Ben Ish ?ai* (year 1, *Parashat Vayeshev* 9) that we should follow the Ari *z"l*, who urged that *She'asa li kol tzorki* should not be recited on Tisha B'Av and Yom Kippur.[17]

Reciting the *Amida* Audibly

Finally, Rav Eliyahu and Rav Ovadia disagree as to which is the proper way to recite the *Amida*—silently or audibly. The *Shul?an Arukh* (*Ora? ?ayyim* 101:2) rules that when praying the *Amida*, one must move his or her lips and enunciate the words; thinking the words in one's mind does not fulfill the obligation. This is indicating in the verse describing the prayer of ?annah, mother of the prophet Shmuel: "Only her lips were moving…" (*Shmuel I* 1:13). This view of the *Shul?an Arukh* is shared by all authorities.

There is, however, disagreement among the authorities as to how loudly the *Amida* should be recited. The *Shul?an Arukh* rules that people should recite the *Amida* softly enough that those standing near them will not hear their prayer, but loudly enough to allow them to hear their own prayer. Among the Kabbalists, however, we find a different tradition in this regard. The *Ben Ish ?ai* (year 1, *Parashat Mishpatim* 3) cites from the *Zohar* that while people must enunciate the words of prayer, they should not be audible even to the extent that the one praying hears the words. The *Ben Ish ?ai* cites from the Ari *z"l*'s student, Rav ?ayim Vital, that if one's prayer is even slightly audible, the "*?itzonim*" (harmful spiritual forces) are capable of disrupting the prayer's efficacy and preventing it from reaching its destination.[18]

Nonetheless, the *Ben Ish ?ai*, in his work *Od Yosef ?ai* (*Parashat Mishpatim* 3), rules that the halakha on this issue depends on the individual's ability to properly pronounce the words and concentrate on prayer. People who feel that they can accurately enunciate the words and pray with concentration when reciting the *Amida* inaudibly should do so, in accordance with the approach of the *Zohar* and Rav ?ayim Vital. If, however, one suspects that he or she might swallow words or experience difficulty concentrating, should follow the *Shul?an Arukh*'s ruling and pray the *Amida* loudly enough to hear the words.

Rav Mordechai Eliyahu (*Siddur Kol Eliyahu*) rules in accordance with the *Ben Ish ?ai*. By contrast, Rav Ovadia Yosef (*Halikhot Olam* 1:157; *Yalkut Yosef, Ora? ?ayyim* 101:2:1) writes that the halakha follows the position of the *Shul?an Arukh*, that the *Amida* should be recited audibly. Of course, those who recite the *Amida* audibly must ensure to recite it softly enough that only they—and nobody else in the synagogue—can hear their prayer, in keeping with the example set by ?annah.

Conclusion

Rav Mordechai Eliyahu unfortunately does not get much attention, even among Sephardic Jews in the United States. However, his influence in certain circles in Israel, especially in the *?areidi-Le'umi* community, is profound.[19] While his halakhic style may not suit every individual or every Sephardic community, his voice must be considered in rendering decisions, especially for the Sephardic community.

Far from detracting from the greatness of Rav Ovadia, considering Rav Eliyahu's opinions actually enhances Rav Ovadia's influence. A great musician, *l'havdil*, is enhanced when teamed with other great musicians. The symphony of Sephardic halakha is similarly upgraded by including the entire cast of great players in the orchestra.

Notes

[1] Rav Gigi noted that the Maharsha on the Gemara in *Ketuvot* clearly supports the approach of the *Meshekh ?okhma* and *Avnei Nezer*. The Maharsha explains that Ne?emiah was permitted to rebuild the walls of Yerushalayim (*Ne?emia* 1–9) because he had permission from the Persian emperor Artaxerxes.

[2] As cited in the weekly newspaper that serves as the organ of the Satmar community, *Der Yid*, Aug. 20, 1976.

[3] It is striking that the Artscroll Sephardic *Siddur* includes Rav Ovadia's version of the prayer for Israeli soldiers, whereas the Ashkenazic version of the Artscroll *Siddur* does not include this prayer.

[4] Numerous Sephardic rabbis have told me that Zionism for Sephardic Jews did not have the secular political overtones that were pervasive in the Ashkenazic community. Rather, for Sephardic Jews, Zionism is an expression of love for Eretz Yisrael, and thus fundamental opposition to Zionism among Sephardic Jews is uncommon.

[5] I was also delighted to see that Rav Mansour writes (http://www.dailyhalakha.com/displayRead.asp?readID=2949): "Special preference should be given to the *etrogim* of Eretz Yisrael. Rav Ye?iel Michel Epstein (*Arukh HaShul?an, Ora? ?ayyim* 648) elaborates on the importance of using an *etrog* grown in Eretz Yisrael when such an *etrog* is available. He writes that it would be a grave affront to our land if one has the option of using an *etrog* from Eretz Yisrael but chooses instead to use an *etrog* grown outside the land."

[6] For example, Ashkenazic Jews recite *Borei Peri HaGofen*, Sephardic Jews say *Borei Peri HaGefen* , and most Yemenite Jews pronounce *Borei Peri HaJofan*.

[7] There is ample DNA evidence that demonstrates that Ashkenazic, Sephardic, and Yemenite Jews stem from the same genetic background and geographic origin. For more on this topic, see: http://www.cohen-levi.org/jewish_genes_and_genealogy/jewish_genes_-_dna_evidence.htm.

[8] As noted by Rav Zecharia Ben-Shlomo, *Orot HaHalakha*, p. 819.

[9] Although today even Yemenites refrain from marrying more than one wife, in case of a woman's *get* recalcitrance, a recognized and competent Bet Din has considerable flexibility in relieving a Yemenite male from his predicament. Yemenite Jews neither accepted the *?erem D'Rabbenu Gershom* , nor do they incorporate into their *ketubot* a solemn oath to refrain from marrying more than one wife, as other Sephardim did.

[10] http://www.israelnationalnews.com/Articles/Article.aspx/23093.
[11] Rav Melamed writes that it is permissible for all Jews to consume soup (even when it is hot) when served at a home of Yemenite Jews who follows their ancestral practice. The *Yalkut Yosef* (*Ora? ? ayyim* 253:11) similarly permits food cooked in accordance with legitimate opinions even when the one eating the food does not usually follow that lenient approach.

[12] Yemenite *etrogim* were the *etrogim* of choice of Rav Ben Tzion Abba Sha'ul. For a review of the range of *etrogim* with a distinguished pedigree, see Rav Mordechai Lebhar's essay at https://theshc.org/an-etrog-or-a-lemon-2/.

[13] https://www.yeshiva.org.il/midrash/14089.

[14] Rav Eliyahu writes that the same applies to observant Jews serving as journalists working in a predominantly secular framework.

[15] Rav Rozen was the long serving head of Machon Tzomet, which works to forge a working connection between Torah, the State of Israel, and contemporary Israeli society.

[16] I heard Rav Yitz?ak Yosef explain that in his earlier years, Rav Ovadia would apply the principle of *saba”l* (*safek berachot l’hakel*, omitting a blessing in case of doubt) in regard to this issue. However, in later years Rav Ovadia was more confident and felt we should undoubtedly follow the straightforward meaning of the *Shul?an Arukh* and not concern ourselves with the *Kabbala*-influenced rulings of the Ari *z”l* in this context.

[17] Interestingly, the Moroccan *siddurim* indicate agreement with Rav Ovadia regarding this issue. In general, Moroccan *posekim* are less influenced by kabbalistic concerns in their halakhic rulings than other Sephardic decisors.

[18] The *Ba’er Hetev* (*Ora? ?ayyim* 101:3) writes that the practice of the Ari *z”l* was to pray very low during the week; only on Shabbat did he raise his voice a bit.

[19] Rav Eliyahu’s influence in the area of *taharat haMishpa?a* is especially strong due to the flourishing of Machon Pu’ah, which assists couples experiencing fertility challenges. Machon Pu’ah is led by Rav Menahem Burstein, a leading student of Rav Eliyahu. Rav Eliyahu’s influence extends to both Ashkenazic and Sephardic members of the Religious Zionist community in Israel.