A Nation Under Restoration: Actualizing the Sepharadi Dream

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The tragedies of the past few years for the Jewish nation have been immeasurable, yet they have forged a type of "national unity" that was previously thought to be impossible. More and more Jews around the globe are coming to terms with the fact that their lives are intimately tied up with those of their brethren, irrespective of each of their specific "versions" of Judaism—this in addition to their associations with the modern state of Israel. That is not to suggest that Jewish "infighting" is finished, or will be in the near future. However, this moment does present us with a rare opportunity in which to finally push toward actualizing the dream that Sepharadi Jews have hoped and advocated for since our exile two-thousand years ago: national reunification. However, to precisely understand this dream and how best to actualize it, it is crucial to first examine how Judaism has been historically understood by the Sepharadim.

Recent centuries in the west have led to Judaism receiving many labels, most notably "religion" and "ethnicity." The former is often embodied by how modern-day Orthodoxy views Judaism, where one must "buy-in" to a set of dogmatic beliefs, or conform to the precise communal standards of law. The latter is best expressed by the diverse set of Jews who feel that while they have a "culture" that was ethnically passed down to them, it bears no relevance regarding God, covenant, or broader spiritual meaning. Yet, all these notions are foreign to the Sepharadim, who have consistently viewed Judaism the way it began—as a nation of people, bound together via a bilateral covenant that they formed with God at Sinai. It is not about someone's dogmatic beliefs, or how they dress, or how precisely they observe the law; it is about whether they feel bound by the covenantal system that is in place. A fundamental aspect of that covenant is that it was freely contracted with the consent of the entire people: each member of Israel experienced a direct communication with God. As a result of this personalized experience, the collective people appointed Moshe to be their spokesman[1]—Moshe's status as the lawgiver was not because of his miracles, his oratory skills, or his charisma, but because the people decided to approve him. Furthermore, the acceptance of the covenant did not take place during the moment of God's theophany but was instead in a moment when God was not present

amongst the people, thus allowing them to consider their decisions without divine coercion.[2] Due to the public nature of this covenant, no matter the person's merits or abilities, each member of the Israelite nation is considered to be an active one, and is to be included in its system. Not only are they to be included, but each Israelite must be treated with the same basic standards of care and respect, for none are "above" each other within the covenantal system. The notion of citizenry eschews questions of "ethnicity," "religiosity," or familial background. It is thus unsurprising that Sepharadi legal authorities have never dismissed the works of their Ashkenazi brethren just based on their "ethnic origins" but have instead endeavored to study them based on the quality of their contents. Furthermore, the goal of expert jurists such as Rambam and R. Yosef Karo was to craft legal codes that would serve to educate the masses,[3] not just the elite scholars, and that would support the entire nation, not just a particular region of it.[4] R. Karo observed that the primary danger that faced the post-Spanish expulsion Jewish communities was not theological, but national. The people's exilic fragmentations had made it difficult to coalesce back together as a nation which was bound by a unified legal system,

> For as the days lengthened for us, we have been poured from vessel to vessel and [have] walked into exile. Many afflictions, bundles of trouble, afflictions from here to there, have come upon us until, because of our sins, the verse was fulfilled, 'the wisdom of its wise men shall perish' (Isaiah 29:14). The hand of Torah and its students [has gone away] for the Torah has not been made into two Torot, but like Torot without count due to the great number of books which are [now] found – [all] explaining its judgements and laws [differently].[5]

With this view in mind, for the Sepharadim, exile (*galut*) was political, not "religious" or "spiritual"; it centered around the loss of national sovereignty[6] and the dispersal of its citizenry.[7] This national framework of Sepharadi Judaism leads to a far better understanding of how they reacted to questions of modernity and "secularization."

To the modern eye, Sepharadi Jews today stand as an "anomaly" —on the one hand they are deeply committed to traditional observance, but on the other hand, many are not "orthodox" or "strictly observant." They have not splintered into denominations; no matter how "secularized" they have become, they will still gather for Shabbat and holiday services in the same traditional synagogues and perform the exact same traditional rituals with their families.[8] This phenomena has been, in my view, incorrectly assigned by most to the lack of an exposure to the "Enlightenment" and "Emancipation" movements in the Europe, which would have theoretically produced a more secular split amongst the Sepharadim as it did for the Ashkenazim. However, such a hypothesis fails on several fronts. First, many Sepharadi countries did become exposed to Enlightenment European thought via European colonialization, most notably via the Alliance Israélite Universelle, which went to North Africa, the Balkans, Iraq, etc.[9] These schools instructed children in the latest secular subjects, languages, and ideologies, with many becoming less adherent to the observant lifestyle. These schools were often sent with the mission of breaking the children away from traditional models. Yet, these communities never splintered, nor have their modern descendants, as "secular" as some of them are, broken away. Indeed, my own family, who came to America from Constantinople, is a perfect example of this "paradox": upon their arrival, they took modern jobs, embraced modern educations and cultures, and did not observe a number of the legal requirements that their ancestors had observed. Yet, they continued to remain within the same communal structures, and traditional systems—to marry without the necessary halakhic requirements, or to go to a Reform temple was unthinkable.[10] Nor were these places lacking opportunities for emancipation: in Algeria for example, the Crémieux Decree granted its Jews full French citizenship, and many families from Iraq traveled and traded across Europe for their businesses. Finally, several Sepharadi communities did exist within Europe, and yet when faced with the same challenges that led to the German reform movement, such as organs in the synagogue,[11] they did not devolve into factionalism when addressing them.

[12] To me, this all points back to the national character of Sepharadi Judaism, which does not seek to impose views, or determine the "true culture," which must serve as the communal standard, but instead seeks to include all its citizens in every way possible. Modernization brought with it numerous challenges for the Sepharadim, just as much as the Ashkenazim, but rather than respond to a perceived "theological" threat to the Jewish "religion," the Sepharadim responded as any nation might—balance and integration when possible.

Moving beyond the general public, the Sepharadi sages were characterized by their extreme sensitivity to the people's needs; they strove to guide them as best as possible while acknowledging that life and its circumstances are not always perfect. That is not to say that these figures were "happy" with breaches of the law, but they understood that persuasion and dialogue are stronger than a sword and fist. Better to keep someone within the fold than squeeze them out of it. Such respect for the public was reflected back onto them in turn, as the people acknowledged the scholarship and wisdom that they possessed. Halakha was treated as a living system of law, that required sensitivity, and that needed to be carefully applied to all the people, and not just the select few. The people understood that they were not always adhering to the laws as required, however that never meant viewing themselves as "not Jewish enough," just as someone who chooses to speed past a red light in New York City would not view themselves as "less American." Such a lifestyle recalls that of my parents. My parents are not the most observant Jews in the world. However, from my first conscious memory of life, I could feel their love of Judaism: They attended only traditional synagogues, stressed the importance of *tefillin* when I reached *bar mitzvah*, performed the Pesah seder with joy, and instilled a deep, intuitive, belief that God exists and has a relationship with each of us. Those whom they knew with higher observance standards were not the subject of ridicule or rejection, but of admiration and respect. They did not have to keep every detail of *kashrut* or Shabbat for me to understand that Judaism is meaningful, and that Jewish law is important even if it is not always kept. For them, "alternative" Judaisms are completely unthinkable—how does one even begin to replace their national system?

Such a national character is also found within the writings of key Sepharadi figures during the emergence of the State of Israel.[13] One might have expected them to focus on the spiritual greatness of such an achievement, or the pollution of it by the "secular Zionists," however none of this was their focus. Instead, the dream of the modern state was best expressed by R. Ben-Tzion Meir Hai Uziel,

> the national mission [of the state], which is the central bar that connects, joins, and binds, all the limbs of the nation into a single body, must be intellectually recognized and clarified to those who stand at the head of the nation's leadership, and to every one of its members…the slogan of the assimilators or fake-philosophers, 'be a Jew in your home [but] a human in your streets', is absurd and foolish…hiding this mission in the synagogue or study hall, or even the private rooms of our homes and neighborhoods, is to conceal and bury our national mission. Those who hide their Judaism in [secret] rooms so that no strange eye may see it…reveal about themselves that they do not know what it is, or the [real] value of Judaism.[14]

The restoration of a state would allow for the national character of Judaism to flourish once more, expanding back out from the ritual halls into the civilian streets, and working on a national level. In speaking of the role of Jewish law within the new state, R. Uziel stressed that it must be of a national character:

> it is my tremendous desire to unify all of the divisions that the diaspora tore us into, the separate communities of Sepharadim, Ashkenazim, Teimanim, etc. This will not be a difficult task for me, since unity is in our nature and our national character as a people. It was only our dispersion throughout the diaspora that created the particular linguistic and communal divisions

> that exist amongst us. As we now return to our homeland, there is absolutely no reason to continue living by these communal and linguistic divisions imported from the diaspora. Instead, we will be one unified community.[15]

Questions of ethnicity or particular practice in law become irrelevant, all that matters is the unification of the nation. To these figures, the modern State of Israel represents a divinely gifted chance for reunification, and for the national salvation of Israel and its people. Such a reunification is primarily expressed through the restoration of Israel's legal courts of halakha, and through the communal life of the national citizenry. Of course, the exile has been long and difficult, it is therefore understandable that a reunification would be fraught with challenges in how to get all the citizens back under the same framework once again, both "secular" and "religious."

From the inception of the State of Israel, these Sepharadi thinkers pondered this very question: how to best encourage and promote such a process, especially for those who were not actively observing the laws. However, the overarching answer remained the same as it had been in antiquity: persuasion. R. Uziel was once asked by a worker's union about a milkman who was making deliveries on Shabbat as he would during the weekdays. This posed an issue for his membership in the union, which explicitly stipulated that it would not allow a Shabbat desecrator to be a member. The question was whether to label this man as a Shabbat desecrator and thereby remove him. R. Uziel responded as follows,

> I was hesitant in this matter, because on the one hand the prohibition stands before our sages that, "one should always push away [a person] with their left hand and bring them closer with their right hand" (*Sotah* 47a), but on the other hand I was concerned that perhaps [the public] would say, "the Pharisees permitted the matter" (*Sanhedrin* 82b)…and if you are silent and continue on in silence, this will be considered in the public eye as if you permitted the matter…however, I decided to judge this man favorably because he did not know there was a prohibition in his actions. Therefore, I must inform him of all that I wrote and to reprove him with pleasant words regarding his weak [observance], which is wrapped up in his weaker belief regarding the sanctity of Shabbat, that [he does not feel that God] provides for all who keep Shabbat according to the law…and I am assured that these [pleasant] words will enter his heart, sit there, and heal him as it is said, "peace, peace for those far and for those near said God, and I will heal them." (Isaiah 57:19)[16]

Encouraging adherence to the law, and educating the people in its importance, did not equal their exclusion or persecution. R. Hayyim David Halevy, R. Uziel's prime student and spiritual successor, was once asked whether Judaism is compatible with the values of a democracy. His answer was extremely nuanced; he at once rejected that the two were equivalent. This is reflective of a historical truth, that Judaism's system, which includes a monarchy, and does not grant every specific citizen a vote in its affairs, does not match a modern democracy. Nevertheless, R. Halevy intuitively noted to the questioner, that much like a modern democracy, Judaism does not impose itself upon its citizens. Even during the Second Temple Era, when Israel wielded far more power, including corporal punishments, the government refused to enforce them with prejudice against the people—this in spite of the fact that not everyone was adherent to all the laws.[17] Thus, R. Halevy notes that, "there was not, nor will there be, any ability to force Torah and mitzvot on the group…but in our time, any attempt to force [these spiritual] views and beliefs onto others with force and violence awaits a great danger, a danger to deepen the chasms of hatred between the parts of the nation."[18] It is only through successfully demonstrating that Judaism is a livable, sensitive, communal system, free of coercion, that the people will fully return—this national, and inclusive, view is what was always responsible for

Sepharadi unity and traditional adherence from its members.

Returning to the present, our nation would do well to heed these messages of our ancestors. Judaism must not dissipate into just another culture of the past, but it also cannot shrink into a small group of intentionally pious figures and their followers. Judaism must retain its national character, and its leaders and sages must look toward addressing the needs of not just those who choose to scrupulously fulfill the law, but also to those who do no such thing. In this fashion, the Chabad movement has already tapped into something wonderful—their simple encouragement to perform actions and participate in events, regardless of one's background or belief has allowed for countless Jews to retain a connection to the national covenant, and feel more welcomed in spiritual participation. But this cannot remain an isolated phenomenon, nor can the flames of unity, which current global events have sparked be stamped out so quickly. It is easy to fall back into factionalism, and to promote leaders who incite division between families, neighbors, and the overall nation. The visions of Rabbis Halevy, Uziel, Karo, Rambam, and the Talmudic sages themselves, must not be cast aside in this crucial hour. The collapse of Israel in the Second Temple was not from a lack of ritual stringency, or a failure to stamp out heretics and rebellious individuals—it was from political corruption,[19] a complete lack of unity and comradery,[20] and a failure to understand that the Jewish nation is first and foremost a nation that serves all its citizens. This is as the Talmudic sages teach regarding the four species on Sukkot, that even the "simplest" Jew must be bound together with the "wisest" in national participation. Our leaders must be held accountable for their rhetoric, and they must be reminded of their national mission; they cannot be allowed to cater only to the groups that currently uplift them. They must recognize the opportunities of the present in strengthening this goal, rather than actively weakening it. Those who carry legal influence must be reminded that their responsibility is not just to the pious few who will obey their every detail of law, but also to the masses who seek a livable system in their daily lives. Finally, the general public must be made aware of this national goal via education that stresses such a mindset and actively works to bridge people rather than further separate them. What made the Sinaitic experience so unique was not simply that everyone participated, but that each individual personally experienced it. No person turned toward their fellows to coercively impose what they had experienced. Each separate person experienced God together. May our people soon achieve this not just for a moment in the desert, but for an eternity in Israel.

[1] Exodus 20:16.

[2] Exodus 24:3.

[3] See the introduction to both the *Mishneh Torah* and the *Shulhan Arukh*.

[4] In contrast to the plethora of Ashkenazic glosses that are written onto texts, such as those of R. Moses Isserles, which aim to directly correct the texts toward the particular "ethnic" region, Sepharadi jurists tend to offer these as separate works from the national codes.

[5] Introduction to *Bet Yosef.* This problem is supported by current data suggesting the existence of dozens of smaller congregations in places such as Constantinople during this time, each refusing to integrate with the others for fear of losing their particular practices. (see Rabbi Dr. H. J. Zimmels, *Ashkenazim and Sephardim: Their Relations, Differences, and Problems as Reflected in the Rabbinical Responsa*, K'tav Publishing House, Hoboken, NJ 1996 pg. 44).

[6] Hence why the messianic redemption is associated with national sovereignty being restored above all else (see *Mishneh Torah* Laws of Kings and Wars 12).

[7] "The Israelite nation was scattered, becoming further dispersed amidst all the lands, arriving at its borders and distant islands. Quarrels increased in the world, and paths of travel became fraught with soldiers…" (*Introduction to Mishneh Torah*).

[8] My wife and I once visiting some of her relatives in Ashkelon for Rosh HaShanah and running into their building manager who appeared in plainclothes and without a *kippah*. Yet later that day I noticed him in the corner of the Sepharadi synagogue, draped in his *tallit*, head bent in intense prayer, without a moment of interruption.

[9] "[H]undreds of thousands of North African Jews, whose families had learned French long before their counterparts in Poland had learned Polish, and *olim* (immigrants) from sophisticated Iraqi and Egyptian Jewish communities – not to speak of the Judesmo-speaking Jews of the Balkans who were as involved in European culture as any Jews in the world – were lumped together [by racist thinkers] with the most unsophisticated cave dwellers." Daniel J. Elazar, *The Other Jews: The Sephardim Today*, Basic Books inc., New York, 1989, pg. 9.

[10] Notably, their eventual loss of connection came when marrying into Ashkenazic families who took a very different approach to denominations and beliefs.

[11] For a concise presentation on the balanced approach that Sepharadi authorities took in addressing these European synagogue updates, see Rabbi Dr. José Faur, *Sephardim in the Nineteenth Century: New Directions and Old Values*, in *Proceedings of the American Academy for Jewish Research*, vol. 44 (1977), pg. 29-52.

[12] This should not imply that the further "east" communities did not also face questions of *halakha* within modern life. Iraqi communities dealt with water pumping factories for a *mikveh*, train rides on Shabbat, carrying European fashion-parasols without an *eruv*, etc. For a presentation of these issues throughout the eastern Sepharadi world, see Zvi Zohar, *Rabbinic Creativity in the Modern Middle East* , Bloomsbury Academic Press, 2013.

[13] It must be noted that concern for the restoration of the national government was central for Sepharadi figures such as R. Yehuda Alkalai, even before figures such as Herzl emerged. Before Ben Yehuda "famously" restored the Hebrew language, such a task was being encouraged by Sepharadi women such as Abigail Abarbanel Lindo.

[14] *Hegyonei Uziel* 25:3.

[15] *Mikhmanei Uziel*, Volume 1, 325, English translation by Rabbi Daniel Bouskila.

[16] *Aseh Lekha Rav* Vol. 8, page 313.

[17] For example, one who studies Talmudic literature will find numerous conversations regarding individuals who are not to be trusted regarding laws of ritual purity; however, the sages strove to find ways in which the more scrupulous could still eat alongside them (see *Mishneh Torah* Ritual Impurity of Foods 16:11).

[18] *Aseh Lekha Rav*, Vol. 8, pg. 282.

[19] See *Bava Metzia* 30b and *Gittin* 55b-56a.

[20] See *Yoma* 9b and *Shabbat* 119b.