The Idealist and the Pragmatist: Rav Benzion Uziel and Rav Ovadia Yosef

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Rabbi Daniel Bouskila is the Director of the Sephardic Educational Center, an international youth and young adult Kelal Yisrael organization with its own historic campus in the Old City's Jewish Quarter in Jerusalem. This article appears in issue 13 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

Rav Benzion Meir Hai Uziel (1880–1953) and Rav Ovadia Yosef (1920-2013) are two towering figures of the twentieth-century Sephardic rabbinical world. They seem to share much in common: Both are tremendous talmidei hahamim; both are prolific authors of halakhic Responsa; and both held the position of Rishon leZion—the Sephardic Chief Rabbi of Israel.Yet a closer look at their worldviews marks a sharp distinction in two important areas: 1) the definition of a posek (rabbinic decisor of Jewish law), and 2) the Sephardi-Ashkenazi divide.

In 1934, Rav Uziel delivered an address entitled "The Posek in Israel." He opened with the following statement:

The posek in Israel is not he who knows the laws of what is forbidden and what is permitted (Issur veHeter), what is impure and what is pure, or the financial laws governing relationships between man and his fellow man. One who knows such laws is not a posek; rather he holds a much more modest title of talmid haham (rabbinic scholar).
Rather, the posek in Israel is the Grand Bet Din (Bet Din haGadol), the chief legislative body that sits on Lishkat haGazit in the Temple in Jerusalem, from which comes halakhic rulings for the entire Jewish people.

The vision behind Rav Uziel's words is that the ultimate posek in Israel is not the individual rabbi who gives rulings on a case-by-case basis, but rather the Bet Din haGadol, which has the power to rule on behalf of the whole Jewish people. To

Rav Uziel, individual matters such as kashruth or ritual purity affect only the individual, but the grander scale halakhic issues that the Bet Din haGadol may rule on (such as civil law or homicide) have an effect on the entire Jewish nation. When Rav Uziel heard the word “posek,” what came to his mind was a “Supreme Court of the Jewish People” that had a potentially unifying effect for all of Am Yisrael, especially in the land of Israel.

Just 19 years later in 1953, a young Rav Ovadia Yosef published the first volume of his rabbinic Responsa, Yabia Omer. In his introduction, he takes an almost opposite point of view to that of Rav Uziel:

The main purpose of Torah study is pesak halakha (halakhic ruling). Therefore, [one’s] main course of study should be Orah Haim (daily, Shabbat, and holiday laws) and Yoreh Deah (the laws of Issur veHeter).

Nowhere does Rav Ovadia even mention the Bet Din haGadol or anything like it. Instead, he sees the halakhic rulings in the private domain as the ultimate expression of a posek in Israel.

In a letter to a rabbinic colleague addressing the different modes of pesak halakha from different countries, Rav Uziel wrote:

I do not relate to any distinctions or separations between Sephardim and Ashkenazim. It is not the countries of Spain (Sepharad) or Germany (Ashkenaz) that gave us great Torah scholars, rather the Torah itself—regardless of locale—that has inspired generation after generation of Torah learning. I believe in the unity of our people, and I reject divisions along ethnic lines. Our return to Erets Yisrael is our new era of unity, where the traditions of the Diaspora are creatively blended to form a new generation of Jews.

Rav Ovadia Yosef sees things differently. He insists on the restoration of the dominance of the halakha according to the Sephardic minhag in Israel. Rav Ovadia does not want equality with the Ashkenazim; he wants full dominance of the Sephardic minhag. In Yabia Omer, he actually levels a veiled criticism of his predecessor Rav Uziel:

It is known that the Sephardic chief rabbis before me were subordinated to their colleagues, the Ashkenazic rabbis. And for the sake of peace, they said nothing. But I, who am not subordinate, thank God, will uphold my mission that the ruling of Maran (Rabbi Yosef Karo) be adopted.

I believe that the different worldviews of Rav Uziel and Rav Yosef—in both areas—are attributable to one factor: the eras in which they lived in Israel and served as Chief Rabbis.
Rav Uziel lived during the Yishuv in Palestine. He was a fervent Zionist who fully identified with Religious Zionism, and saw the re-establishment of the Jewish State as a sign from God, and as an opportunity to create something new—a unified Jewish people. It was a Sanhedrin— not the individual rabbi —that would bring about halakhic unity to the Jewish state. With the Jewish people coming back to their land from all over the world, Diaspora concepts such as “Sephardi” and “Ashkenazi” would be replaced by a unified Jewish people in their common ancestral homeland.

Rav Uziel lived in an age of building and re-building, of new and renewed ideas. He was a true idealist. He did live to see the establishment of the State of Israel, but died in 1953, a mere five years into the State’s existence.

Rav Ovadia Yosef grew up in the State of Israel, with all of its complexities, social gaps, and socioeconomic/ethnic divisions. By the time he became Chief Rabbi in 1973, Rav Ovadia viewed his post as an opportunity to restore pride to Sephardim who had been suppressed in Israeli society, primarily by the elitist secular Labor Party political establishment. In the reality he faced, there would be no chance to create a grand halakhic body like the Sanhedrin, so he preferred for a posek to return to his traditional Diaspora role of rulings in the private domain. Given the deep social gap that existed between Sephardim and Ashkenazim, he could not see “unifying” halakha between them; quite the contrary, he saw this as an opportunity for something Sephardi—in this case halakha—to finally take precedence over something Ashkenazi.

Whose legacy do we wish to carry forward?

I grew up kissing the hand of Rav Ovadia Yosef, studying his books, and revering him as Israel’s Chief Rabbi. I think he did what he had to do with great wisdom, and he is arguably the twentieth century’s greatest talmid haham and posek. Unfortunately, his plan took a turn into politics, and with Shas, the results are simply miserable—for Sephardim, and for Am Yisrael.

It’s time for us to go back to dreaming Rav Uziel’s big dreams.