

A Tradition with Vision: Sephardic Judaism Confronts Modernity

Sources Selected & Translated by Rabbi Daniel Bouskila



1. Halakha (Jewish Law)

- A. In every generation, conditions of life, changes in values, and technical and scientific discoveries -- create new questions and problems that require solution. We may not avert our eyes from these issues and say 'Torah prohibits the New', i.e., anything not expressly mentioned by earlier sages is ipso facto forbidden. A-fortiori, we may not simply declare such matters permissible. Nor, may we let them remain vague and unclear, each person acting with regard to them as he wishes. Rather, it is our duty to search halakhic sources, and to derive, from what they explicate, responses to currently moot issues. (**Rabbi Ben-Zion Meir Hai Uziel** (1880-1953), Sephardic Chief Rabbi of Jaffa-Tel-Aviv 1912-1939, Sephardic Chief Rabbi of Israel 1939-1953)
- B. Continuity of Judaism is possible only because permission was given to Israel's sages in each generation to renew halakha as appropriate to the changes of times and events. Only by virtue of this was the continuous existence of Torah in Israel possible, enabling Jews to follow the way of Torah. There is nothing so flexible as the flexibility of Halakha. It is only by virtue of that flexibility that the People of Israel, through the many novel and useful rulings innovated by Israel's sages over the generations, could follow the path of Torah and its commandments for thousands of years. (**Rabbi Hayim David HaLevy**, 1924-1998, Sephardic Chief Rabbi of Tel-Aviv 1973-1998)
- C. Modernity & The Human Factor in Halakha: "Faced with the social, cultural, and technological upheavals of the past two centuries, Sephardi rabbis in Muslim lands did not withdraw from modern society, and did not choose to create a strict, isolationist Orthodoxy. Instead, they faced modernity exhibiting a spirit of openness and flexibility. Attention to the dynamic sources of human life is a central element in Classic Sephardi and North African jurisprudence. To put this approach into practice as a factor in halakhic decision making, a sage must exhibit love for those affected by his decision, and sympathy for their needs and circumstances." (Rabbi Yitshak Chouraqui, Sephardic Scholar, Jerusalem)
- D. "Zoom Ruling" for the Seder: "the need to remove the sadness from the aged and elderly, and to give them a motivation to carry on in their struggle for life, and to protect them from depression and spiritual distress, which could cause them to despair of life itself." (from the responsa permitting the use of Zoom during the Seder)

2. Conversion to Judaism

- A. Although we know that most converts do not observe the commandments after circumcision and immersion in the mikvah, nevertheless, the rabbis did not disqualify them as Jews on that basis, and they did not refrain from accepting them as Jews. We are permitted to accept male and female converts even when we know that they will not observe all of the commandment. As to children of an intermarriage (a Gentile woman who married a Jewish man), these children are considered *Zera Yisrael (Seed of Israel)*. I fear that if we reject these children completely by refusing to accept them for conversion, we will be summoned to answer before God, and it will be said about us that which is written in Ezekiel 34:4: “Nor have you brought back the strayed, nor have you sought that which was lost.” (Rabbi Uziel)

3. Tikkun Olam & Universal Values

- A. “They shall observe the way of God, performing charity and justice.” The ‘way of God’, and the belief in God, is rooted in the doctrine of “performing charity and justice.” It is not sufficient to treat the Torah as a “dry constitution.” If humanity will not blend “charity and justice” into their intellectual achievements, and not work towards assuring truth, equality and the right of existence for all beings created in God’s image without discrimination based on creed, color or religion, then humanity will impose upon itself and the world a devastating and destructive holocaust. Tikkun Olam under the Kingship of God will only be possible when human beings love one another, and preserve one another’s rights – all of which can be achieved by performing charity and justice, ‘For it is these values that I desire,’ says God. (Rabbi Abraham Shalem, Jerusalem, 1928-2014)

4. Relations Between Jews & Gentiles

- A. While halakha once ruled that it is our obligation to care for the needs of Gentiles based on “*Mipnei Darkhei Shalom*” (so as to ensure peaceful relations), today, our halakhic obligation to care for their welfare, visit the sick amongst them, bury their deceased and comfort their mourners (amongst other things), **all is now rooted in our ethical obligation to do so, without any ulterior motive of “*Mipnei Darkhei Shalom*”**. (Rabbi Hayim David Halevy)

5. Relations between Arabs and Jews in the Land of Israel

A. *“A Call to the Leaders of Islam for Peace and Brotherhood.”*

To the Heads of The Islamic Religion in the Land of Israel and throughout the Arab lands near and far, Shalom U’Vracha: Brothers, at this hour, as the Jewish people have returned to its land and state, per the word of God and the prophets in the Holy Scriptures, and in accordance with the decision of the United Nations, **we approach you in peace and brotherhood**, in the name of God’s Torah and the Holy Scriptures, and we say to you: **Please remember the peaceful and friendly relations that existed between us when we lived together in Arab lands and under Islamic Rulers during the Golden Age, when together we developed brilliant intellectual insights of wisdom and science for all of humanity’s benefit.** Please remember the sacred words of the prophet Malachi, who said: “Have we not all one Father? Did not one God create us? Why do we break faith with one another, profaning the covenant of our ancestors?” (Malachi 2:10). **We were brothers, and we shall once again be brothers, working together in cordial and neighborly relations in this Holy Land, so that we will build it and make it flourish, for the benefit of all of its inhabitants, without discrimination against anyone.** We shall do so in faithful and calm collaboration, so that we may all merit God’s blessing on His land, from which there shall radiate the light of peace to the entire world. **(Public letter by Rabbi Uziel, written following the 1947 United Nations Partition Plan).**

- B. “Passover teaches us to love all those around us, including our declared enemies, as it is written: ‘You shall not abhor an Egyptian, for you were a stranger in his land’ (Deuteronomy 23:8). This means that we do not bear any vengeful grudge toward Egypt or the Egyptians for the suffering and enslavement we endured in their land, rather we only remember that we were strangers in Egypt. We forget all negativity and recall only whatever positive treatment they gave us. **We once again reach out to our Arab neighbors in peace, for our sole desire is to live together with you in this Holy Land that is sacred to all nations. Let us engage together in fruitful labor for the sake of peace for all inhabitants of this land. Let us work together, using all of our diversity in religion, beliefs, customs and languages, so that we can build and assure absolute freedom and equality for all inhabitants in this land. Let us together recognize that only God is the ultimate ruler over the earth, for we are all ‘strangers in God’s world.’”** (Rabbi Uziel, public address delivered on the 7th Day of Passover, April 1948, one month before Israel declared independence)

6. Women's Issues

- A. **Synagogue Life:** I found written in a book, that in certain communities in Sefarad (Spain), the learned and pure women in the community would wake up very early in the morning to their own synagogue, and would conduct a public prayer service, with one of the women leading the service as a "shlichah d'tsibbur", and they would take out (and read) from a Sefer Torah, and some of them would put on Tefillin, and all of them wore a Tallit, and they would conduct such services (not only on weekdays but also) on Shabbat and holidays, and all of this they would do out of an extra halakhic responsibility that they took upon themselves, since women are usually exempt from such time bound commandments. (Ribbi Yosef Messas – Morocco/Algeria/Israel, 1892-1974)
- B. **Women's Right to Vote:** This issue became a central controversy in *Eretz Yisrael*, and the whole Land of Israel rocked with the debate. Posters and warnings, pamphlets and newspaper articles appeared anew every morning, absolutely prohibiting women's participation in the elections. Some based their argument on "Torah Law," some on the need to preserve the boundaries of modesty and morals, and others on the wish to ensure the peace of the family home. All leaned upon the saying "The new is prohibited by Torah (*hadash asur min ha-torah*)." we find no clear ground to prohibit this, and it is inconceivable that women should be denied this personal right. For in these elections we elevate leaders upon us and empower our representatives to speak in our name, to organize the matters of our *yishuv*, and to levy taxes on our property. The women, whether directly or indirectly, accept the authority of these representatives and obey their public and national directives and laws. How then can one simultaneously "pull the rope from both ends": lay upon them the duty to obey those elected by the people, yet deny them the right to vote in the elections?

If anyone should tell us that women should be excluded from the voting public because "their minds are flighty (*da'atan qalot*)" (*Shabbat* 33b and *Qiddushin* 80b) and they know not how to choose who is worthy of leading the people, we reply: Well, then, let us exclude from the electorate also those men who are "of flighty minds" (and such are never lacking). However, reality confronts us clearly with the fact that, both in the past and in our times, women are equal to men in knowledge and wisdom, dealing in commerce and trade and conducting all personal matters in the best possible way. Has it ever been known that a guardian is appointed to conduct the affairs of an adult woman, against her will? (*Mishpetei Uziel* 44
Rabbi Ben Zion Uziel, 1920)