

Rabbi Ben-Zion Meir Chai Uziel (1880-1953)

rhidary@yu.edu



1911 Chief Rabbi of Jaffa
1921 Chief Rabbi of Salonika
1923 Chief Rabbi of Tel-Aviv
1939 Chief Rabbi of British Mandate and State of Israel

- משפטי עוזיאל - שו"ת (תשעה כרכים)
- הגיוני עוזיאל - במחשבה (שני כרכים)
- דרשות עוזיאל - מאמרים על מסכת אבות

Unity vs Sectarian Divisions

1. Devarim 14, 1

בְּנֵי אֱלֹהֵיכֶם לֹא תִתְגַּדְדוּ וְלֹא תִשְׂיִמוּ קַרְחָה בֵּין עֵינֵיכֶם לְמֵת :

You are children of Hashem your God. You shall not gash yourselves or shave the front of your heads because of the dead.

2. Sifre Devarim *pisqa* 96

לא תתגודדו, לא תעשו אגודות אלא היו כולכם אגודה אחת וכן הוא אומר הבונה בשמים מעלותיו ואגודתו על ארץ יסדה.

“Do not cut yourselves”: Do not make factions, but rather all of you should be one faction, as it is said, “Who built His chambers in heaven and founded His vault on the earth” (Amos 9:6).

3. משלי פרק א, ח

שְׁמַע בְּנֵי מוֹסֵר אֲבִיךָ וְאַל־תִּטְּשׁ תּוֹרַת אֱמֶךָ:

4. Rabbi Uziel. - Responsa *Piskei Uziel Be-She'elot Ha-Zman* (“The Rulings of Uziel on Contemporary Questions”), Section 1 = Mishpete Uziel, General Rulings 4, 1

"*Lo Titgodedu*" – You Shall Not Create Subgroups." [translation by Aryeh Edrei]

With the help of God. 25 Tishrei 5699 [1938], Tel Aviv. To my dear friend, the Rabbi and Gaon ... Rabbi Yaacov Levitsky, may his light shine, the Rabbi of the Givat Rambam neighborhood in our community of Tel Aviv.

The question has been posed to us: In our day, with God's help, the Jewish settlement in our holy land has grown, and may it continue to grow. Our brothers from all parts of the dispersion have been gathered here, each with his own particular customs in prayer and other areas that he received from his fathers and has been accustomed to practice for his entire life. Everyone loves the customs of their ancestors and does not want to abandon them. And I noticed that on Sukkot, there are many customs regarding the shaking of the *lulav*. [...] Everyone prays together in one synagogue, but everyone practices his own custom. This has a good result in that peace reigns. Similarly, they are divided in their practices regarding prayer, additional liturgical *piyutim*, the recitation of *tachanun*, etc. As much as possible, each person maintains his own customs. These things occur daily without causing outbursts – rather they lead to peace and serenity. Nevertheless, I feel that perhaps we should be concerned about the principle of *lo titgodedu*...

בין כל המעלות המציינות ומבדילות את ישראל מכל העמים, תופסת מקום בראש, התאחדותה הנפלאה של אומה זאת בתורתה, שהיא יסוד לאומיותה וסוד קיומה הנצחי.

אלפי שנים עברו מיום מעמד הר סיני, הרבה גליות גלתה היהדות ותלך מגוי אל גוי וממלכה לממלכה, הרבה שמדות נגזרו עליה ועל תורתה להשמדה או לזיפה, לסרס אותיותיה ולשבש כוונתיה, והרבה השפעות ומנהגי חיים ושפות זרות נדבקו בה; ובכל זאת, ולמרות כל זאת, יצאה היהדות צרופה ושלמה בצביונה ורוחה, ואחידה ומאוחדת ביסודה תורתה, וכל אלה שנסו לפגוע באחדות תורה זאת, השומרונים, הצדוקים, האיסיים, הקראים וכתות של תלמידי משיחי השקר, אבדו לגמרי או שמתקיימים קיום עלוב שסופו להבטל מן העולם.

אחדות זאת נובעת ממקור נאמן של תורת אל חי, שהוא יחידו של עולם ואחד ומיוחד בשמים ובארץ וכל צבאותיהם, ולכן הוא מצוה על ידי נביאו נאמן ביתו לאמר: זה הדבר אשר צוה אתכם תעשו וירא אליכם כבוד ה', אמר להם משה לישראל אותו יצר הרע, העבירו מלבכם ותהיו כולכם ביראה אחת ובעצה אחת לשרת לפני המקום כשם שהוא יחידי

בעולם כך תהא עבודתכם מיוחדת לפניו, (ספרא ויקרא שמיני ו') ולא עוד אלא שאין ישראל נענים בתפלתן וצעקתם עד שיהיו כולם באגודה אחת, שנאמר ואגודתו על ארץ יסדה (מנחות כ"ז).

אגודה זו שישאל שמה, היא מעידה על אחדות ה' מגינה ומושיעה, והיא אגודת אלקים בארץ שמלמדת את האדם גם בתורה וגם באהדותה, את סמל האהדות השלמה שאין לך דבר שיכול להפרידה ולפוררה, וכשישראל הם באגודה אחת שמו של הקדוש ברוך הוא מתעלה על ידם (ויק"ר ל'). כשם שמצווים אנו להיות אגודה אחת כן מזהרים אנו באזהרה חמורה ומאימת לאמר: לא תעשו עצמכם אגודות אגודות.

And it seems to me that this law is dependent on the controversy regarding the reason behind the prohibition of *lo titgodedu*. Rashi explains the reason to be that the Torah should not become two Torahs. According to Maimonides, however, the reason for the prohibition is to prevent controversy (*Hilkhot Ovdei Kokhavim U-Mazalot* 12:14). According to this reason, everyone in a particular city, including those who are there from other cities, must act in a unified manner in all matters relating to the Torah and the commandments, and there should be no controversy among them on any issue, as he has written in his responsa.

...Therefore, it is forbidden to practice different customs in one synagogue with regard to prayer and anything related to it. Rather, the entire congregation is required to follow one custom based on the majority. We have already proven that this prohibition applies with regard to the practice in one city, how much more so in one synagogue, for beside the prohibition of making the Torah appear as two Torahs, it can also cause controversy during times of prayer which is prohibited according to all opinions. Rather, all Jews are commanded and obligated to be a unified collective with one heart turned toward their father in heaven.

From what has been said, we learn that it is forbidden to create subgroups, except in the case of Ashkenazi and Sephardi communities, which are different in their customs and are distinctive as particular units. This is also a point of controversy. According to the Mordechai, it is permissible for each community to change its custom if they are inclined to do so. Since it is

permissible, it becomes inherently obligatory to unify. It is important to aspire to this and to pray that the one God unify all of us to worship him with one heart and one practice and speech. And it is certainly forbidden because of the prohibition of *lo titgodedu* to add one rip upon another and to divide into many groups, for Israel will not be redeemed until they become one unified group (Yalkut Amos 9). [...] I have written this to teach that it is forbidden even in two separate synagogues to adopt different customs in all matters relating to Torah and the commandments, and how much more so is it forbidden to do so in one synagogue which is considered by all to be similar to one court in one city in which half rule in one way and half in another, a phenomenon that is forbidden because of the law of *lo titgodedu*. It is almost as if to do so would constitute a commandment that is performed by the commission of a sin (*mitzvah baba'ah be-aveirah*).



The Debate over Preserving Communal Differences in Light of the Ingathering of the Exiles in the State of Israel

5. Rambam, Mishneh Torah, Hilkhot Keriat Shema 2:8-9

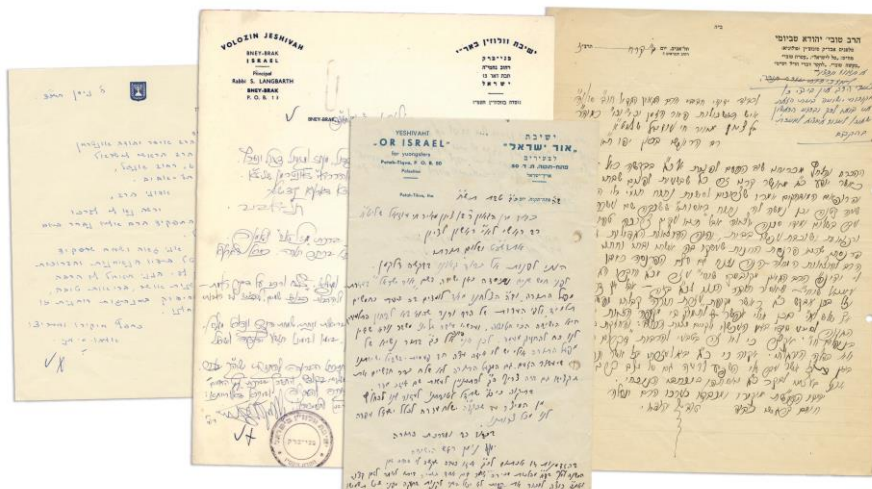
וְצָרִיךְ לְדַקְדֵּק בְּאוֹתֵינוּתֵינוּ וְאֵם לֹא דִקְדַק יִצָּא: כִּי צַד יִדְקַדֵּק. יִשְׁמַר וְשֵׁלֵא יִרְפֶּה הַסִּזְק וְלֹא יִסְוִיק הַרְפֶּה וְלֹא יִגִּים הַגָּד וְלֹא יִגִּיד הַפֶּה.

He should enunciate the letters distinctly. If he has not done so, he has nevertheless fulfilled his duty. How should care be exercised in enunciation? One should take heed not to sound a letter with a strong *Dagesh* as if it were without such a *Dagesh*, nor a letter without a strong *Dagesh* as though it had such a *Dagesh*; nor sound a letter with a *Sheva mobile* as if it were immobile, nor, vice versa, sound a letter with a *Sheva immobile* as if it were mobile.

6. Rabbi Abraham Yishak Kook. Responsa *Oreh Mishpat, Oreh Hayim 17* [trans. Zvi Zohar]

The holy city of Jerusalem, may it be rebuilt speedily in our days, 25 Tishrei 5693 [1932]
...In my humble opinion, it appears that Maimonides *z"l* holds [in accordance with the latter approach] that even though we established that *ex post facto* he has fulfilled his obligation even if he was not precise in the reading of the letter, it is fully required *a priori* to be completely precise in the reading so that the expression will be full and perfect in accordance with all of the grammatical principles, even those that do not relate to the slurring of letters, and more so those that do not relate to deleting letters and changing the meaning of the word.

Based on this, we can discuss situations in which a group's accent is different in the pronunciation of the letters, i.e. that they pronounce them in a manner that is different from others, such as the Yemenite accent that pronounces certain letters with a unique accent. [...] From all that has been written, it is clear that there is no possibility to change from one accent to another, because such a change for those who have a tradition of another accent is considered a general reading, but not a precise reading of the letters. [...] In particular, a change from the Yemenite accent which has been a tradition from the earliest generations, and which is known to be the most precise among the accents, is certainly forbidden. [...] And even though the practice in Israel is to give preference to the Sephardi pronunciation, this is because it has a particular pleasantness and beauty. Nevertheless, the essential advantage of a particular accent is its preciseness in distinguishing between letters and vowels. In this regard, the Sephardi pronunciation is not even on the level of the Ashkenazi accent, and certainly the Yemenite pronunciation is more commendable than all others since it distinguishes greatly between every letter and sound. Heaven forbid that someone who is accustomed to utilize that accent should abandon it for the recitation of sacred readings in exchange for a less precise accent. Since the tradition of an accent is no less important than any other religious training, every community is thus required to fulfill the guideline of "do not forsake the teachings of your mother" just as it applies to matters of ritual and family life, whether the practice is lenient or strict. Heaven forbid that a person break away on this matter, for ancestral traditions are the fulfillment of our holy Torah, as it says: "Ask you father and he will tell you." [...] Everything points to one conclusion: Heaven forbid that those fulfilling a holy duty should change from a pronunciation that is precise and accepted from olden days to another pronunciation. And we should not learn from the fact that others have done so, because that was not the will of the Sages.



7. Rabbi BenZion Meir Hai Uziel. - *Responsa Piskei Uziel Be-She'elot Ha-Zman* ("The Rulings of Uziel on Contemporary Questions"), Section 1

The return of the exiles to the Land of Israel, which has reawakened in our times through the grace of God, and the rebirth of the Hebrew language as the spoken language of the Jewish people who live in Israel in addition to being the language of the Torah, having previously been divided into many and varied exilic dialects and different pronunciations, has raised a very important halakhic question regarding the creation of a uniform language also in pronunciation. This question was resolved without difficulty when it was posed in the marketplace and in the educational institutions with the adoption of the Sephardi pronunciation with some slight modifications as the language of communication and learning. However, when the question is raised with regard to commandments and obligations, such as the reading of the Torah, and the recitation of *shema* and prayer, as well as anything else that must according to the law be said in the holy language, we cannot simply agree on our own to that which seems to have a nice and pleasant sound. Rather, we must find a halakhic solution that is rooted in halakhic sources...

We learned in the *Mishnah*: "If he reads and he is not precise in the letters, he has fulfilled his obligation." [...] We can infer from this that if he does not swallow an entire letter or change the accent of a letter to the degree that it leads to a mistake in its meaning, it does not fall into the category of imprecise reading of the letters, and we do not even require him to change his pronunciation *a priori*, for if so, what for example would the Ephraimites, who could not pronounce the letter "sin", do, or similarly the people from Haifa and Bishan who read the letter "aleph" as an "ayin"? And if this is true with regard to changing letters, it would be even more so with regard to changing the pronunciation of vowel sounds...

From what has been said, we can conclude that the law is clear that changes in pronunciation do not cause a reader to have not fulfilled his obligation, even if we assume that he erred in his accent, since everything is determined by one's inner intent and by the light of the matter. Thus, anyone who reads and is careful to read properly in the accent to which he is accustomed or which he chooses has fulfilled his obligation. And anyone who is precise with regard to one accent or another because he believes that it is the correct and desirable pronunciation should not only not be punished, but is suitable to receive a reward from God, who does not withhold goodness from those who go in innocence.

In the *Jerusalem Talmud* (*Berakhot* 4:2), however, this *mishnah* reads as follows: "We do not allow the people of Haifa, Bishan, and Tivon to lead the services because they pronounce the letter "heh" as "het" and the letter "ayin" as "aleph". And if their language is arranged, it is permissible." [...] But in my humble opinion, it seems that the explanation of the *Jerusalem Talmud* is that if the language is arranged *vis-à-vis* those who hear him, i.e. that they also speak like him, then it is permissible *a priori* to appoint him to lead the service, for since they all speak like him, this is considered precision in the language for them, and this leader is precise in his language in pronouncing the letters and vowels according to the precise accent of that place. And so the *Knesset Hagedolah* ruled in the name of the Radvaz, that if all of the people in his city speak in that manner, it is permissible to appoint him to lead the services. We can infer from this in our case that since the language spoken in schools and in gatherings of the people is in the Sephardi accent, a phenomenon that is spreading not only in Israel but also in the Diaspora, it is permissible to appoint a prayer leader who speaks and reads with this accent so that his reading be understandable and pleasant to his listeners...

It appears to me, in my humble opinion, that this does not violate the principle of "do not forsake the teaching of your mother" since changing the accent in this case is not by desire, but by necessity, because of the fact that the general public has willingly adopted the use of the Sephardi pronunciation at home and in the street, and particularly in public gatherings. This necessitates a change of pronunciation in the synagogue because it is impossible for a person to change from his regular daily language to a different language pattern during prayer.

8. Proclamation Regarding Yibbum and Halisa

In most Jewish communities and in the Ashkenazic communities in the Land of Israel, the communities have taken it upon themselves as settled law that halitzah [rejecting a levirate marriage by the ritual of removing the shoe and spitting in front of the brother-in-law] takes priority over the mitzvah



of marrying a brother's widow (yibbum). Even when both man and woman want to go through with the levirate marriage, they are not allowed to do so. And in situations where the levir is already married, the practice in all communities (even Sephardic ones) is to not allow the levirate marriage to occur.

Given that in our days it is clear that most levirate marriages are not done with the pure intent to fulfill a mitzvah, and for the sake of ways of peace and unity in the State of Israel, so that the Torah may not become like two Torahs, we hereby establish for all the inhabitants of the Land of Israel and for all immigrants who may make aliyah from this point forward, that it is completely forbidden to perform the mitzvah of levirate marriage. All are obligated to perform the act of halitzah. A levir is obligated to support his brother's widow in accordance with the ruling of a rabbinical court until he performs halitzah and exempts her from the levirate marriage. Dispensation to permit levirate marriage against this prohibition can only be given under special circumstances and with the decision of the Expanded Council and the signature of the Chief Rabbis of Israel.

The Chief Rabbis of Israel
Yitzhak Isaac Halevi Herzog
Ben Zion Meir Hai Uziel

9. Rabbi Ovadiah Yosef - *Responsa Yabia Omer*, Vol. 6 – *Even Ha-Ezer* 14

Tammuz 5711, Petach Tikvah.

An incident was brought before the regional court here in Petach Tikvah in which one of the immigrants from Yemen had a woman become available to him for levirate marriage, and he wanted only to marry her...

Therefore, in my humble opinion, it was incorrect for the *Rishon Le-Zion* the Gaon Rabbi Benzion Uziel and the Sephardi Sages who collaborated with him to support this agreement which completely negated the commandment of levirate marriage, in opposition to the opinions of our Rabbis from whose mouths we live and from whose waters we drink...

And the concept of *lo titgodedu* does not apply to this, as our master wrote in the responsa *Avkat Rokhel* (Section 32) – that since every community follows its original practice, it is like two court in one city, and that furthermore each community is considered like a city unto itself since the members of one community cannot force their opinions on the members of another community. [...] That which the members and presidents of the Chief Rabbinate wrote in the above quoted agreement: that they issued a decree forbidding levirate marriage completely and specifically required *halitzah* “for the sake of peace and unity in the State of Israel – that the Torah not appear as two Torahs”, with all due respect, they exaggerated in this, and their words are completely inaccurate, for it is a daily occurrence in various rulings such as the laws of ritual slaughtering, determination of non-kosher meat (*treifot*), and other matters of ritual, so too in the laws of Sabbath and family purity, that each community follows the customs its Rabbis – the Sephardim according to our master the *Shulhan Arukh*, and the Ashkenazim according to Rabbi Moshe Isserles. The same is true regarding differences in the formula and the pronunciation of prayers and Torah reading, and the script used in the writing of Torahs, *tefillin*, and *mezuzot*. We are not at all concerned that this will give the perception of two Torahs, since it is well known that each relies on ancestral customs, and that each is the word of the living God. And the Gaon Rabbi Avraham Yitzchak Kook, in his letters (Section 711) wrote: to warn not to buy kosher meat from the butchers of the Sephardim, since there are different rulings and customs between the Sephardic Sages and the Ashkenazi Rabbis, which is not a new situation, for there is a distinction between their butchers in every place that Ashkenazim and Sephardim live together in the Diaspora and in the Holy Land. This was the practice as well here in the holy city of Jerusalem. However, certain individuals have now come and tried to break the parameters of this world, and I have therefore been forced to stand against them. And I do not God forbid have anything against the unity of the nation or the paths of peace, but everyone knows that each person is required to follow his ancestral customs because of the principle “Do not forsake the teachings of your mother.”...

The *Rishon Le-Zion*, the Gaon Rabbi Benzion Uziel ז”ל, suggested, because of his great passion for the unity of the nation and the removal of barriers separating the communities, to waive the Sephardi standards for ritual slaughtering and to create a uniform approach to ritual slaughtering in Jerusalem, and agreed that the Sephardim would accept the Ashkenazi customs... It seems that with regard to the agreement on the prohibition of levirate marriage for Sephardim, that the Gaon Rabbi Benzion Uziel continued his approach because of his great passion for the unity of the nation – “great is love for it destroys regular patterns of behavior.” In truth, it would be regrettable to nullify the rulings of our Rabbis, the authorities in this region, the greatest of the Sephardic Rabbis, for the perception of national unity.



Women's Suffrage

10. Mishpetei Uziel 44 (1920) [Translation -- Zvi Zohar]

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.

Conversion

11. *Mishpete Uziel, Yore De`ah 1:14 = Piske Uziel, 59* [my translation]

This non-Jewish woman is already married to a Jew, and by bringing her into the Jewish covenant she will get closer and closer to her husband's family and his Torah, and furthermore, the children she bore and those who she will bear from now on will be completely Jewish, behold this is similar to the cases of Hillel and R. Hiyya who were sure that in the end they would be complete converts. They are therefore permitted, or better, commanded to bring them close and have them enter into the covenant of Israel's Torah and remove the affliction of assimilation, which is an inflammatory affliction in the vineyard of the House of Israel...

Rambam's precious words are our guides in any matter in which there is no complete transgression such as he who is suspected [of relations with a non-Jew before conversion] or he who was married to a non-Jewish woman who converted. For if we do not permit him to marry her after her conversion, they will remain married their whole lives while she remains not Jewish and their children will be children of intermarriage and uprooted from Israel.



12. Ethical Will [translation from Rabi Marc Angel]

I have kept in the forefront of my thoughts the following aims: to disseminate Tora among students, to love the Tora and its precepts, Israel and its sanctity; I have emphasized love for every man and woman of Israel and for the Jewish people as a whole, love for the Lord God of Israel, the bringing of peace between every man and woman of Israel, to bring genuine peace into the home of the Jew, into the whole assembly of Israel in all its classes and divisions, and between Israel and its Father in Heaven.

13. *Hegyonei Uziel*, Jerusalem 5714 vol. 2, p. 127 [translation from Rabbi Angel, p. 50]

Each country and each nation which respects itself does not and cannot be satisfied with its narrow boundaries and limited domains; rather, they desire to bring in all that is good and beautiful, that is helpful and glorious, to their national [cultural] treasure. And they wish to give the maximum flow of their own blessings to the [cultural] treasury of humanity as a whole, and to establish a link of love and friendship among all nations, for the enrichment of the human storehouse of intellectual and ethical ideas and for the uncovering of the secrets of nature. Happy is the country and happy is the nation that can give itself an accounting of what it has taken in from others; and more importantly, of what it has given of its own to the repository of all humanity. Woe unto that country and that nation that encloses itself in its own four cubits and limits itself to its own narrow boundaries, lacking anything of its own to contribute [to humanity] and lacking the tools to receive [cultural contributions] from others.

14. 21 Kislev, 5708 [translation by Rabbi Daniel Bouskila]

“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.

Signed,

Ben-Zion Meir Hai Uziel

Yitschak Isaac Ha-Levi Herzog

