An Overview of Rabbi Ben-Zion Meir Hai Uziel’s Adaptive Approach to Modernity

Rabbi Ben-Zion Meir Hai Uziel was born in Jerusalem, in the year 1880, to an illustrious family that traces itself to fifteenth century Spain. His father, Yosef Raphael, was the Av Bet Din of the Sephardic community in Jerusalem. From early on, Rabbi Uziel displayed an affinity for education and administration, and at the age of twenty he helped found Yeshivat Mahazike Torah in Jerusalem. Rabbi Uziel served as a rabbi in Tel Aviv as well as in Salonika (Greece) before becoming the last Sephardic chief rabbi of Palestine (1939-1948), and the first Sephardic chief rabbi of Israel (1948-1953). He left a sizeable literary legacy behind him, including responsa (MishpeteUziel), personal philosophies (Hegyone Uziel), a work in which he expounds upon Talmudic and Biblical ideas (Derashot Uziel) and some correspondences. Rabbi Uziel witnessed Israel’s transition from Ottoman provinces, to a British Mandate, and finally, into an independent state. He took an active political role, becoming leader of the Mizrachi Party in 1918, helping to lay the groundwork that would develop into the State of Israel.\(^1\)\(^,\)\(^2\)

Rabbi Ben-Zion Meir Hai Uziel is a paradigm of the Sephardic rabbinic tradition, and he possessed a profound vision that lies deeply embedded within his written works. Throughout his responsa and his philosophies, Rabbi Uziel’s outlook consistently points in one direction, one that follows logic to confront the evolving world, and that admits to truth and recognizes reality regardless of its source, all the while without straying from traditional Sephardic thought.

Sephardic thought, as developed mostly under Islamic rule, is distinct from Ashkenazic thought, as developed mostly under Christian rule. Professor Zvi Zohar of Bar Ilan University, in “Religion: Rabbinic Tradition and the Response to Modernity,” points out the differences between the two schools of thought. Ultimately, he distinguishes the effects modernity had on each respective culture on both a macro and micro level. On the macro level, the Enlightenment period experienced by Europe (beginning in the eighteenth and nineteenth centuries) ushered in an era of secularization. Secularization didn't just separate church and state, but most secularists fostered strong anticlerical sentiments. On a micro level, European Jewry was not immune to this movement, and many rabbis were hard pressed to counter secularization and secularist Jews, lest they jeopardize the future of traditional Judaism. This was the birth of the Jewish movement known as Orthodoxy, which according to Zohar, was formulated with a rejectionist strategy to invalidate Reform Judaism and to undermine the Enlightenment.3

Even though modernity influenced Islamic lands as well, neither Muslims nor Jews sought to denigrate their religious background. In Zohar’s words, “Attacking rabbis as backward and criticizing halakhic Judaism as obscurantist was not acceptable, and movements that advocated the abandonment of rabbinic Judaism…did not develop.”4 In this type of social-religious environment, the Sephardic rabbis did not need to confront modernity with the antagonism observed in the European rabbis.5

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4 Ibid., p. 71.
5 Ibid., pp. 71-72.
In the style of deciding Jewish law, or *halakha*, Rabbi Uziel was a product of the Sephardic rabbinic tradition. However, growing up at the turn of the twentieth century in Palestine, he was exposed to the religious and national ideologies held by Eastern European Jews who immigrated in large numbers to settle there. This exposure to different perspectives helped Rabbi Uziel shape a unique worldview, one that stands apart from other worldviews held by traditional Sephardic rabbis. Rabbi Uziel’s familiarity with views that opposed his own is evident in his introduction to the first volume of *Mishpete Uziel*, where he addressed two of these specific worldviews which he believes are erroneous.  


7 Ibid., p. VIII.

When he speculates what the people who love to change tradition will say about his book, he is seemingly referring to the secularist left wing movement in British Mandate Palestine, as they were a driving force behind political Zionism (certainly in 1935, when *Mishpete Uziel* was published). Rabbi Uziel is unimpressed by this outlook, reducing it to an age-old mentality by linking it with a view cited in the Talmud. Interestingly, he
was not so bothered by this worldview, as he thought it was sufficient to address this
group of people in just one paragraph.

The second worldview is discredited with more detail and with a vitriolic
undertone:

…The circumstances of life, the change of social values and the innovations of
technology and science, give rise to new questions and problems in every
generation and which seek resolution. We cannot turn away from these issues and
say, “The new is forbidden from the Torah,” meaning that anything that was not
mentioned explicitly by our predecessors lies in the realm of the forbidden.\(^8\)

This worldview is summarized into the slogan, “\textit{hadash assur min haTorah},” literally,
“The new is forbidden from the Torah,” and was coined by Rabbi Moses Sofer (1762-
1838).\(^9\) More famously known as the Chatam Sofer, he is widely revered as one of the
saviors of Judaism from the Reform movement in Western Europe. The Orthodox Union,
which views itself as a continuation of the Chatam Sofer’s tradition, claims that he was
divinely inspired and “sent by the Almighty to lead his people during a period of great
turbulence and transition.”\(^10\) Yet, according to Zohar, the Chatam Sofer’s slogan was the
basis for the ideology that “crippled much Ashkenazic \textit{pesaq} by denying recourse to the
potential for organic growth and change indigenous to traditional \textit{halakhic} thinking.”\(^11\)

Rabbi Uziel utilizes the motto when invalidating the problematic ramifications of the
ideology behind it. He stresses that it is not only beneficial to confront newly conceived

\(^8\) Uzziel, \textit{Op. cit.}, p. IX
\(^10\) “Rabbi Moshe Sofer (The Chasam Sofer),” \textit{Ou.org Presents : Great Leaders of our People.}
\texttt{http://www.ou.org/about/judaism/rabbis/sofer.htm}
issues, but it is the responsibility of the *halakhist* to understand the practical applications of Jewish law. If the new issues are not confronted accordingly, or ignored based on the principle of “*hadash assur min haTorah,*” people will do as they please, since they do not have any other way to gauge the legal Jewish perspective.¹²

By interacting with schools of thought from different Jewish movements, in particular, the secularist and the Orthodox movements, Rabbi Uziel had the advantage of evaluating them from a disinterested point of view. He did not face the same pressures as the originators who created the movements, so he was able to clearly critique each movement. While many were able to foresee the problems with the secularist movement, it required all the more foresight to understand the fundamental problems that the right-wing Orthodox movement would present to traditional Judaism.

In the early 1900’s when electricity was becoming a common household phenomenon, the rabbinical authorities needed to deal with the issue of electricity in general, especially how to treat it through the eyes of Jewish law. Moreover, many electronic appliances and devices were being innovated, creating new circumstances that were never experienced by previous generations. The light bulb, the elevator, the gramophone, the telephone, the refrigerator and the radio were all modern inventions that facilitated new modes of living daily life. These technologies required the attention of the rabbinical authorities to discern how they fit into the schema of Jewish law. For example, certain actions, including the use of fire, are prohibited on the Sabbath, yet permitted in a limited capacity on holidays—inasmuch as the flame can be raised or diminished when

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needed—although the fire cannot be created from new.\textsuperscript{13,14} So where does electricity fall on that spectrum? Is it to be viewed as fire? If it is equated with fire, is it permissible to use on a holiday? How does the electricity flow—does one create the electric flow when he flicks the light switch on? How should the Orthodox deal with these innovations? Rabbi Uziel confronted these technologies head on, defining how to incorporate them into the larger framework of \textit{halakha}.

Major technological advancement was not the only feature of the twentieth century, for social roles began to shift as the world’s perspective of society and self especially with regard to women, children and religion began changing. Developing ideas of universality and equality were gradually creeping to the forefront of Western thought, and Arab countries were not completely isolated from Western civilization.\textsuperscript{15,16} Rabbi Uziel was attuned to many of these notions, dealing with them in a very traditionally legalistic manner. Topics relevant to modern life, such as whether or not women can vote and take part in the government, rabbinical privileges and exemptions, legitimacy of conversions and the extent of filial responsibility are found throughout his responsa.

In the last section of the introduction to \textit{Mishpete Uziel}, the reader is given insight into Rabbi Uziel’s thought process. He exhibits character traits of self confidence with genuine modesty, while asserting his convictions and polemicizing against illogical ones. Anticipating criticism and unafraid of controversy, he publishes what he believes in, justifies his work by clarifying his purpose, and negative reactions are not a deterrent. Yet permeating the passage is a sense of modesty. Rabbi Uziel recognizes that his responsa

\textsuperscript{13}Babylonian Talmud, Tractate Besah. Chapter 5, Mishna 3.
\textsuperscript{14}Maimonides, \textit{Mishne Torah}, Hilkhot Shebitat Yom Tov. Chapter 1.
\textsuperscript{15}Simon, \textit{Op. cit.}, p. 65
are not an end to all discussion about the issues. He states that he is not deciding the law for every generation. Furthermore, he understands the individual creativity that halakha allows for, inasmuch as everyone has his distinct style when analyzing information, which can affect the way he would decide the law.

At first glance, one may be caught off-guard by Rabbi Uziel’s approach. He discredits a leftist reformist approach to Jewish law, while simultaneously exhorting the need to evolve with society. Rabbi Uziel bases this necessity to confront the ever changing world in Talmudic tradition, as the sages of the Talmud clearly recognized the urgency of keeping Jewish law fresh and up to date. He aligns himself directly with this rabbinical tradition, insisting that he has not created a single concept from his own mind, but he only reiterates that which is already written. “…The change of social values and the innovations of technology and science” are some of the primary reasons for confronting the world.17

“The change of social values” can be easily overlooked by the seemingly more apparent necessity to confront innovative technologies, but actually, it cannot be stressed enough. Social norms and how they change are truly of extreme relevance when trying to apply a tradition to a new generation. If the tradition does not adequately adapt to new cultural situations, it runs a great risk of being rejected.

Rabbi Moshe Shamah, who, like Rabbi Uziel, perceives the Jewish tradition as adaptive, commented in an interview on the condition of the Kettab (the schooling system used to teach children Judaic studies in Middle Eastern communities) in the Syrian community of Brooklyn during the late 1930’s through the early 1940’s. Having been one

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of the students of this system during those years, he claims that the system had deteriorated immensely and was not effective in educating its students. The teachers were not sufficiently trained nor did they use any of the new teaching methods being used in American public schools (they were probably unaware of them). The facilities were dark and unimpressive compared to the beautiful, large classrooms with big windows of the public schools. The students were already worn out from a full day of secular studies in public school. The Kettab did not adapt well to the new way of life in America nor did it inspire any of the children to stay connected to their heritage. The situation for the Jewish-Aleppan heritage in New York was looking as bleak as the Kettab’s classroom, until Magen David Yeshiva came on the scene in the late 1940’s and renewed the community’s commitment to the Jewish tradition. However, there were some community members who were not happy with Magen David’s vision, as it was not the accepted way of educating the children.\textsuperscript{18} Yet, had Magen David not refreshed the tradition, there may not have been any surviving tradition to maintain.

Another member of the Syrian community in Brooklyn, Ms. Yvonne Harari, who emigrated from Egypt in 1956 at age 24, reflected on the shift of cultural values between the Jewish communities in Cairo and in Brooklyn. When a young bachelor wanted to court a young woman in Egypt, they were required to be accompanied by a chaperone, known as the Shomer. The Shomer could be a mutual friend of both families, or could even be a younger brother. In America, this cultural value no longer existed, and young men and women would date in the typical American fashion. When asked whether she

felt one way to be more proper than the other, Ms. Harari responded that one cannot compare the two, for they are set into two completely different social contexts.\textsuperscript{19}

The Talmud appears to recognize the nuances of societal norms when writing that items accessorizing articles of clothing are permissible to wear in the public domain on the Sabbath (whereas it is generally prohibited to move items from one domain to another),

Arab women (referring to the Jewish women of western lands) may go out \textit{retzuot} (a specific style of wearing a headscarf, typical of women west of Babylonia), and Medes women (referring to Jewish women of Media) may go out \textit{peropheret} (a different style of headscarf wearing, typical for women living in Media), and likewise anybody (can go out with her headpiece), just that the sages spoke in the present.\textsuperscript{20}

Interestingly, the Talmud makes a point to differentiate between different norms in different societies. Neither is correct nor incorrect, yet the law must still be applied across the board. The only reason these two examples were used is because they were examples that the general populace in the early first millennium could easily comprehend. The Talmud spells out its reasoning, that many laws can be reshaped to fit any culture, so that the law would remain applicable.

This notion is a recurring concept that is seen in Rabbi Uziel’s introduction. Understanding the cultural context is as important as dealing with technology if the goal is to keep the \textit{halakhot} “as new.”\textsuperscript{21} The consistency of Rabbi Uziel’s introduction creates a delicate balance between legalistic evolution and integrity of tradition. That is to say

\textsuperscript{19} Harari, Yvonne. Personal Interview.
\textsuperscript{20} Babylonian Talmud, Tractate Shabbat. Ch. 6, Mishna 6.
\textsuperscript{21} See translated introduction in the Appendix.
that although a tradition can change in practice, if done correctly, it will retain its original aim—more so than if the tradition was not changed.

Returning to the topic of electricity, Rabbi Uziel first researched the issue in 1932. He recorded that his first encounter with the issue was in 1928/1929 when his peer, Rabbi Yehudah Rozenberg, a rabbinical leader of the Sephardic communities in Montreal, wrote a responsum permitting turning on and shutting off lights on holidays.22 He began by listing all of the legal technicalities that would potentially prohibit the use of electricity on a holiday:

Causing a fire to be extinguished23 on the holiday, which branches out into three categories: a) Bringing about the extinguishing, and preventing the spreading of a fire. b) Indirectly causing and hastening the extinguishing. c) Indirectly causing the extinguishing by other means, in a manner where the result is definite. 2) The law of burning with a coal of iron.24

Rabbi Uziel systematically and thoroughly dealt with each issue. For each category, he cited the relevant passage in the Talmud that deals with each one, respectively. Once the Talmud’s reasoning became clear, that same logic was then applied to the new case, appropriately deciding the halakha for the new issue. With the issue at hand, Rabbi Uziel ruled that there is not a problem using the lights and the electric stovetop on the holiday.25

23 A term that is halakhically distinct than directly extinguishing as well as indirectly extinguishing. The Hebrew terms used are “gorem kibui” for indirectly extinguishing, “mekarev kibui” for bringing the flame closer to being extinguished.
25 Ibid. p. 66
Rabbi Uziel sent this responsum to be reviewed by his friend, Rabbi Samuel Moshe Zilberman, to get a second opinion. Rabbi Samuel’s response to Rabbi Uziel’s responsum is printed in the book where he questioned some of the assertions made by Rabbi Uziel. Rabbi Uziel then went through each point, and defended his original understanding.

If Rabbi Uziel defended all of his positions successfully, what was the purpose of including Rabbi Samuel’s review and Rabbi Uziel’s defense in Mishpete Uziel? Clearly, Rabbi Uziel’s agenda was not to simply herald what the law permits. He was determined to seek out the truth. This hearkens back to the introduction where Rabbi Uziel states that his intent is to find the truth. In addition to that, he attests that he is not deciding law for all generations.26 This outlook seems to put a very pragmatic spin on the truth. Rabbi Uziel does not advocate finding the truth and then closing the book to future study, but instead he unequivocally writes at the end of his introduction, “…I relied on the reader to analyze the issues in their original sources and find in my words truth.27” Contrasting this statement with the one that Rabbi Uziel is not deciding an everlasting law, we can deduce that according to him, an absolute truth exists, and one must strive to know that truth to the best of his capabilities. However, one should not get the impression that he has found the absolute truth, for his conclusions may one day be disproved, either by more logical reasoning or a change in circumstance.

But then, what does that mean for Jewish law? If a legal decision can be invalidated by a more correct understanding of the issue, then that decision may be

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26 See translation of his introduction to Mishpete Uziel in Appendix.
incorrect. Rabbi Uziel’s perspective follows a mode of thought expressed through a homiletic story in the Talmud. While having a legal dispute about a certain case, all of the rabbis were in agreement on how to judge the case. However one dissenting rabbi insisted that his opinion was the correct one. He attempted to persuade the other rabbis through reason, but to no avail. The rabbi then resorted to saying if he is correct, then such and such miracle will happen (i.e. the mountains will move). The majority was unmoved by the miracles, and the single rabbi desperately proclaimed that if he is correct, a heavenly voice will affirm it. Upon hearing the heavenly voice, one of the rabbis from the majority opinion shouted part of a biblical verse,28 “It is not in the Heavens!”29 The most plausible interpretation of this homily is that the Talmud is making the point that it is people’s interpretation of the law, done within the rabbinical framework of the majority, which reigns supreme over what could be a more correct interpretation of the minority. In essence, the pragmatic truth based on the best logic available is what shall determine the law—even if the absolute truth would say otherwise. Stemming from this tradition, Rabbi Uziel most likely used this approach to Jewish law.

Rabbi Uziel’s keen talent for understanding the nature of the law continuously exhibits itself in the way he finds the common denominator between upholding Jewish legal thought and new situations. The gramophone, patented in 1887, was the first appliance that was able to play back recordings.30 Its relevance to court law pertains to whether one can use the gramophone as evidence in a court case; can it replace a live witness?

28 Deuteronomy 34:10.
29 Babylonian Talmud, Tractate Baba Metziah, 59b.
Rabbi Uziel immediately senses the commonality between the testimony given through a gramophone, radio or telephone, and written documents providing testimony. As a prerequisite to dealing with the actual issue of the gramophone, he examines all of the major opinions that discuss the validity of written documents in the court. Beginning with the Talmud and ending with Rabbi Caro of the *Shulhan Arukh* who ruled that a court is not to accept written testimonies to replace actual witnesses as per the concept that testimony must be heard from their mouth and not from their writing. 31 This is based on the biblical verse, “Through the testimony of two witnesses (lit. “On the mouth”).” 32

After establishing many of the technicalities on this law, Rabbi Uziel quotes the law that one may not bear witness if he is testifying on something observed through an instrument that may distort the reality (i.e. water) into the discussion. He makes this law parallel to judging law based on a photograph. From the halakhic standpoint, the witness has to have witnessed the action with his eyes. A photograph does not satisfy that requirement. Rabbi Uziel may have sensed that disqualifying photographs as evidence may necessitate a more sound argument. So he adds that since photographs can be manipulated (in today’s terms—photoshopped), we are not to rule a case based on a photograph alone. The function of photograph is similar to the function of a witness’ personal notes. The court may not decide a case based on the witness’ notes, but the witness can use his notes to prime him as to what he saw exactly. 33

Rabbi Uziel speculates about the case where the witnesses sent in their testimony transcribed in a format played by a gramophone. Provided that there are valid witnesses

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32 Deuteronomy 19:15
who testify that the voices testifying through the gramophone were indeed recorded by
the claimed witnesses, Rabbi Uziel delineates the two possibilities:

Maybe we should say to decide the case based on the testimony heard through the
gramophone as if the witnesses were present before the court, for the court is
really hearing the voices. Otherwise, we would say that this does not fall into that
category of “directly from their mouth,” and this testimony should not be any
different than that of a written document.34

Rabbi Uziel would be inclined to believe that since the judge can hear the witnesses’
voice through the gramophone (or telephone or radio) it should be counted as a valid
testimony. On the second thought, the gramophone is really similar to a photograph.
What photographs do with sight, the gramophone does with sound. So even though one
seems to see the scene when studying a photograph, it is just a representation of the true
thing. The same is true with the gramophone, for the listener thinks he is listening to the
speaker’s voice, but in reality, he is listening to a sound representation. Neither one is
equivalent to the first hand account, which is why the judge may not substitute eye
witness testimony for its representation. Halakhically speaking, this is exactly the
function served by a document sent to represent the witness. Rabbi Uziel’s methodology
here exemplifies his traditional approach. Contemplating the mechanics and usage of the
technological appliance, he takes that knowledge and logically juxtaposes it to the
traditional sources to decide what the law should be.

Rabbi Uziel’s vision reached beyond the realm of tackling innovations of the
Twentieth Century. He showed an interest in all areas of Jewish law, which includes

dealing with social issues. One of the outstanding ones was the issue of what the role women should have in society, which stirred great controversy in the new Yishuv (settlement) following World War I. American women had just received the right to vote in 1920, and people all over the modern world began fighting for gender equality. In Rabbi Uziel’s words in his responsum dealing with women as judges, he describes the situation in a general manner:

"The issue regarding equal rights for women in all areas of public office and in court law: This issue has become a basis of debate in our pleasant yishuv, and only now has it taken a life of its own, splitting the yishuv into two camps at odds with one another, each of them standing on fundamental principles which they will not negotiate. One side, standing on Torah values and tradition claims that we are not to stray from our ancestral tradition or change one iota from the Torah… The other camp calls in the name of equality to all residents of the land, regardless of gender…"

In his introduction to the responsum on whether women should have the right to vote, he is much more specific:

"This issue was a basis for debate in the Land of Israel, and from it the whole land was trembling. Notices and warnings, essays and newspaper articles were being put out day after day to prohibit the participation of women in the elections altogether; Some of these people (the people publishing the material) rely on the law of Torah, others of them rely on protecting the boundaries of modesty, and

*See R. Uzziel’s introduction in the appendix
still other relying on keeping peace in the household, while every opinion was really based in the idiom “Hadash assur min HaTorah.”* Unfortunately, I do not have all of the accumulated literature to analyze them one by one, but… Rabbi Haim Herschenzohn in his book “Malkhi BeKodesh” amassed a good number of that material, which gives me the capability to hear all of the prohibiting opinions and analyzing them according to my limited understanding.37

Rabbi Uziel devotes more ink to discrediting the Orthodox view than he does writing against the Secularist view, and he elaborates greatly on the Orthodox position to enumerate its fallacies. This is in line with what was observed in his introduction to Mishpete Uziel.38

Proving this point is his tone right from the start of the second case. He immediately states that there is no basis to prohibit women from electing a public figure. He proceeds to invalidate each claim with common sense. To paraphrase Rabbi Uziel, if women do not have the right to vote, how can we bind women to state law—they have no say in the matter? The argument that “women have a weak understanding and so should not be included” is utterly futile. If we would give credence to that argument, than we should also prohibit all of the men that have a weak understanding, for there is never any shortage of those in the world!

Prohibit women because it is too forward, or immodest? What on earth can be so risqué about a woman going unaccompanied into the voting booth, and inserting her vote into the ballot box? If we were to worry about that, we should also be worried about

38 See pp. 3-4 of this work.
women walking alone in the street, or going into a store in which men work, and doing
business between men and women would also be problematic—they may establish an
emotional bond!” Probably fearing that some people may actually agree with those
notions, Rabbi Uziel quickly prevents further discussion about the idea, “And nobody has
ever suggested a notion like that!”

He continues, “Prohibit them for the sake of peace in the household? If so, then
should not all children of legal voting age, who are dependant on their father, be
prohibited from voting as well? Although we are concerned about the tranquility of the
household environment, political arguments are based in a difference of outlook, and
these arguments will come up regardless. The familial love and the responsibilities
everyone has in the household should be strong enough to withstand these arguments.”

“Rabbi Dr. Ritotter presented us with a novel concept when he opined to prohibit
women from voting based on the fact that they do not count as a community or
congregation, and were not counted with the males in the national Biblical census. Let’s
assume for a moment that that “women do not count as a congregation or in the census”
and not for anything. Does that mean they are not still rational thinking human beings?
Do they not have any common interest with the rest of the population so that they should
not be tallied with the consenus?”

To Rabbi Uziel, there is simply no question that women have the right to vote.
Furthermore, he emphatically urges everybody to vote. In his words, “Participation in the
public affairs is a religious and national duty on every adult of the Jewish community.

39 Ibid., p. 34. Paraphrased.
40 Ibid. Paraphrased.
41 Ibid.
The individual is not allowed to free himself of his duties to the community, not him nor his possessions.”  

According to Rabbi Uziel, after analyzing all the sources as per protocol, women can also be elected into public positions with public consensus. They can also be elected to be judges according to halakha, provided that they possess all of the necessary characteristics: valorous, intelligent, courageous, and they must uphold the Biblical verse, “Do not fear anybody.” However, Rabbi Uziel believes that the psychological nature of women is such that they generally do not fit the characteristics, and as mothers are naturally inclined to have pity and compassion for others. While these qualities are not ideal for being a judge, they are essential to raising children, according to Rabbi Uziel.

The impact that Rabbi Uziel left on the global Jewish community is still felt today. Rabbi Dr. Marc D. Angel of Congregation Shearith Israel in Manhattan authored a book called Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel, which discusses many of Rabbi Uziel’s halakhic rulings in order to piece together a description of his personality. In October 2007, he founded the Institute for Jewish Ideas and Ideals, an institute that attempts to reform the infrastructure of Orthodox Judaism. “The Institute for Jewish Ideas and Ideals offers a vision of Orthodox Judaism that is intellectually sound, spiritually compelling, and emotionally satisfying,” goes the first sentence on the organization’s website. Certainly, the life and works of Rabbi Uziel provided some source of inspiration to create such an organization, as Rabbi Uziel recognized many of the inadequacies of Orthodoxy as early as 1935 (Rabbi Angel’s book

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43 Uziel, Op cit., p. 35-37
45 http://www.jewishideas.org
on Rabbi Uziel is even alluded to on the organization’s website, “Together we can reclaim the grand religious worldview of Torah Judaism at its best”). It is interesting to note that Rabbi Angel is attempting to create a reform within Orthodoxy. Likewise it should be pointed out that Rabbi Uziel did not advocate explicitly against the Orthodox movement, and he had a very amicable relationship with Rabbi Abraham Yitzhak Kook (who served as chief Ashkenazic rabbi of British Mandate Palestine from 1921-1935 alongside Rabbi Uziel). The Orthodox Union lists Rabbi Kook as one of the great leaders of “our people” (Rabbi Uziel is not on that list). What Rabbi Uziel writes against is the dictum “hadash assur min haTorah” as a life guiding principle, which happened to be a founding principle of the Orthodox movement. He did not write any personal attacks, and always maintained a high level of professionalism in his work. Whether “hadash assur min haTorah” is still a driving principle of the movement and whether the Orthodox movement can withstand a reformation of its infrastructure is beyond the scope of this study. What is significant is that the qualms Rabbi Uziel had about the “hadash assur min haTorah” ideology in the early twentieth century have now become a source of resentment for many Jews who classify themselves as Orthodox, Rabbi Angel serving as just one example.

Rabbi Uziel’s worldview is one that takes everything into account before reaching a conclusion. There is nothing that can be inherently wrong without satisfactory reasoning. The recognition that societal modes of thought can be altered as time passes by and as cultures evolve is essential when trying to understand Rabbi Uziel’s

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46 http://www.jewishideas.org/about
47 Orthodox Union. “Great Leaders of Our People.” http://www.ou.org/about/judaism/rabbis/default.htm#diaspora
perspective. This is the perspective he takes, and this is what his tradition is. Extremely cautious to properly apply the new to the old, he readapts the law in light of modernity only if he is certain that it is the way his predecessors would have acted in the same situation. Rabbi Uziel’s objective methodology to Jewish law enabled him to foresee what popular ideologies of his time would become problematic a few years down the road. It was this foresight that makes him a paradigm example of the Sephardic tradition, preserving the tradition by progressing into and dealing with the new circumstances of his generation.
Appendix


Note to the Reader:

As I publish this small book of mine, I know you may ask me, “Who will benefit from this book? The rabbis, sages and scholars of our generation have at their disposal a multitude of responsa from the rabbis of previous generations; do you have a better understanding than them? Or is this work for the general public, when they can just go to the rabbinical authorities of their time and get an immediate answer whether it be allowed or forbidden, pure or impure, according to the depth of that rabbi’s knowledge?”

I’m sure that many will criticize my words from different angles. Some will say [like the statement in Talmud, Sanhedrin 99b], “What have the rabbis ever innovated, for they never permitted a raven nor forbade a dove [for consumption]? This is what has been said back then by those only satisfied with the new, and this is what those who are only satisfied with reformations will say about any work, like this one, which does not present anything novel, but rather draws up information from the original everlasting source[, the Torah].

And others will criticize me from a different perspective and claim, “You were lenient when you should have been stringent, or you were stringent when you should
have been lenient; you were lengthy when you should have been succinct, and were succinct when you should have been lengthy.”

To all of these questions, I answer with a short and clear response: “From the wise elders I gain understanding, for I have kept your precepts,$^{48}$ and as the sages expounded, ‘Like mist on the herb,$^{49}$’ Just as these mists fall upon the grass and ‘examine it*’ so that it shouldn’t become vermiculated, so should one examine teachings of Torah so that he shouldn’t forget them. Similarly, Rabbi Jacob son of Hanina said to Rabbi Judah the Prince, “Let us examine halakhot so that they don’t become rodent infested!$^{50}$”

The judge does not have the right to say to himself for every legal question he receives, “Let’s see what is written in the book and I shall decide the case based on what is here ready before me, exactly as it is written in the book.” This is not the way of those who decide laws, rather it is their duty to analyze halakha from its source in order to measure, separate, purify and test it according to all the facts that are known to him. To question the halakha correctly and to answer in clear logic in order to decide a law based on integrity and truthfulness… And if after all of this he succeeds in his task, praiseworthy is he, and praiseworthy is his lot.

In addition to this, the circumstances of life, the change of social values and the innovations of technology and science, give rise to new questions and problems in every generation and which seek resolution. We cannot turn away from these issues and say, “The new is forbidden from the Torah,” meaning that anything that was not mentioned explicitly by our predecessors lies in the realm of the forbidden. Granted that we do not

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$^{48}$ Psalms 119:100  
$^{49}$ Deuteronomy 32:2  
*The Hebrew word employed here “mepashpesh” has different connotations based on context. In order to keep the word-play of the Hebrew, the verb “to examine” is used, and must be loosely interpreted.  
$^{50}$ Midrash Sifre, Ch. 2
have the option to allow new things based solely on our own knowledge, but that is not to say we should leave them as circuitous halakhot that are hidden to the effect that everybody will do as they please. Rather, this is our obligation, to examine the halakhot, and to learn the hidden from what is explicitly stated. In this manner our sages said, “When a man is brought into [the Heavenly] court [after his passing], they ask him, “…Did you analyze with wisdom? Did you [draw parallels between concepts,] learn[ing] one concept by means of another one?”8...And so here too I affirm, “From the wise elders I gain understanding, for I have kept your precepts.”9 That’s to say, whenever I learn from the teachings of the elders and follow in their pathways, only then I know I have kept your precepts.

This is what is called the giving and taking of halakha, akin to the rain examining the grass so it should not become vermiculated, and so that it should not become dried out in which there is no moisture of life nor does it flower and flourish. And this is our responsibility, to examine the halakhot making them desirable orally as well as in written form, each man according to his own style, understanding, reasoning and critique, in order that the halakhot should not become rodent infested, yet will always remain fresh.

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51 Babylonian Talmud, Shabbat 31
It was this realization of mine that obliged me to research the questions dealt with in this small book of mine, and to seek answers from earlier teachings. Even if some of these questions have already been dealt with by leaders of our generation or of generations past, I still felt a need to give input according to my limited grasp of the topics.

I am not creating any new ideas, nor are we permitted to create anything new, as even prophets, who are divinely inspired, are not allowed to create anything new… Likewise, I am not imposing halakha for the generations…and in all of my responses my intent was not to be lenient nor strict from my own knowledge and judgment, rather my intent and desire was to seek out and find the truth…”
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