מורשת מרן
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Moreshet Maran

השיעור השבועי

The Weekly Halacha Shiur of Maran HaRishon LeTzion Rabbi Yitzchak Yosef shlit"a

Based on the weekly Motzaei Shabbat shiur in the Yazdim synagogue that was established by Maran Rabbenu Ovadia Yosef ztk"l.

Refuah Shelemah for Yishak Ben Hanom Hannah



ק"ק שערי ציון
CONGREGATION
SHAARE ZION

Parashat Noach
Shabbat candlelighting
Brooklyn, NY 5:56PM



Dedicated in Honor of Mr Harry Adjmi for his tireless work for our community.

Benefiting From a Ma'aseh Shabbat/ Hilulah of Maran zt"l

Introduction by Rabbi Asher Weiss shlit"a:

The greatness of Maran Rabbenu Ovadia Yosef zt"l is evident both in his public leadership and in his pure contribution to Torah and halachah. In our generation, no single Torah leader has had an influence as vast and decisive on hundreds of thousands of people as Maran zt"l. There were towering figures such as Rabbi Aharon Kotler, the Rav of Ponevezh, the Satmar Rebbe, and my teacher and mentor, the Rebbe of Tzanz, author of *Divrei Yatziv*. The Rebbe of Tzanz and Maran zt"l shared a special closeness and profound mutual respect, and they wrote responsa to one another. Each of these great leaders influenced thousands upon thousands. Yet none had an influence like Maran, author of *Yabia Omer*, whose impact reached the entire Jewish world, far beyond the Sephardic communities. He restored the crown of Sephardic Jewry to its former glory. Hundreds of thousands, and more, owe him their Jewish identity and their connection with *HaKadosh Baruch Hu*. Countless Torah scholars, outstanding students, rabbis, halachic authorities, and distinguished judges owe their achievements to Maran, author of *Yabia Omer*, who restored the Torah stature of Sephardic Jewry. It is difficult even to assess the full extent of Maran Rabbi Ovadia's contribution to halachah. We are blessed to live in a time of abundant Torah learning in Israel, and recent generations have been graced with many great Torah scholars. Even so, Maran's contribution was decisive in shaping halachah and establishing its foundations in many areas. His legacy consists not only of the halachic rulings he issued for thousands of people, but also of the monumental works he composed—*Yabia Omer*, *Yechaveh Da'at*, *Chazon Ovadia*, and others—in which he established fundamental principles of halachah, including the rules governing uncertainties, *safek sefeka*, the majority (*rov*), and *chazakah*. No work compares with *Yabia Omer* in its treatment of halachic foundations. The same is true of the laws concerning *agunot*. There is no rabbinical judge in Israel who has not turned to Rabbenu's responsa. It is impossible to imagine how these cases could have been handled without *Yabia Omer*. For example, in *Yabia Omer*, vol. 6, *E.H.* 3, there is an extensive responsum written after the Yom Kippur War, when many women were left as *agunot*. It establishes remarkable foundations in this area.

Maran addressed subjects with which many are unfamiliar and which few have studied in depth. In *Yabia Omer*, vol. 10, *C.M.* 6, he wrote on one of the most painful public questions: the release of terrorists in exchange for captives. Maran did not shy away from the most difficult halachic questions—questions few were able, or willing, to address. He was not lenient for the sake of leniency; the truth of Torah was his guiding light, whether it led to stringency or leniency.

It is a great joy for me to meet Maran, the Rishon LeTzion shlit"a, my dear friend. We have been close for many years, going back to the days of his great father. I was privileged to enjoy a particularly close relationship with Maran. There were halachic questions that Maran would refer to me, and it is a great pleasure to be here and meet his successor, Maran the Rishon LeTzion shlit"a.

The third of Cheshvan is the *yahrzeit*—the anniversary of that bitter and dreadful day when Rabbenu ascended to Heaven in a storm. Rabbenu left tens of thousands of students. Torah scholars from the Sephardic communities are all his students, or students of his students—and this includes Ashkenazim as well. It has been my privilege, almost every year since Rabbeinu's passing, to come on Motzaei Shabbat before his *yahrzeit* and speak a little about the deeds of this righteous man, sharing with the large audience something of the immense work and greatness of the leading Torah figure of our generation, Rabbenu, author of *Yabia Omer*. *Baruch Hashem*, this great undertaking continues through Maran the Rishon LeTzion shlit"a, who will carry on the legacy until the coming of the righteous redeemer, speedily in our days. Amen.

Introduction by Rabbi Yitzchak Ezrachi shlit"a:

With the permission and in the presence of the great Torah scholar shlit"a, a man who is exceptional in so many fields—my friend, respected colleague, and beloved teacher, who is filled and steeped in the entire Torah.

"*Bereshit*"—this verse calls out for interpretation: the world was created for the sake of the Torah, which is called "the first." Why did Hashem create the world? He lacked nothing; He has everything. There is only one reason: the world was created solely for the Torah and for the righteous who toil in it. Apart from Torah, there is nothing! Hashem delights in the Torah and gave it to human beings so that they, too, could delight in it—not merely study it, but toil in it and find delight in it.

Hashem granted me the privilege of receiving affectionate slaps from Maran, the great and righteous Torah scholar zt"l. He was fond of me, and I saw that the Torah was his sole purpose. Anyone can see this in his books and in everything he studied and taught: it was all the Torah of truth, and he reached conclusions that reflected the truth. We must learn from him that there is nothing apart from Torah. Torah alone is our purpose, because Hashem created the world for the Torah alone. I was privileged to discuss Torah with Maran zt"l. It was a delight. You could see that Torah was his life—not something alongside his life, but life itself—because he understood why the world had been created. The same is true of Maran shlit"a: everything is "for the sake of"—for the sake of the holy Torah. If anything obstructs the Torah, he is the first to fight against it.

Remembering Maran zt"l gives me strength and courage in my Torah study. I believe Maran zt"l would be very pleased with what I have said about him and about my dear friend and colleague, Rabbi Yitzchak—may he live a long life—whom we all need, and who also fights for the Torah. I bless my respected friend that *HaKadosh Baruch Hu* should assist him in all that he does for the sake of Torah.

Introduction of Maran shlit"a:

May Rabbi Yitzchak Ezrachi, the great Torah scholar and of the Roshei Yeshivah of the Mir Yeshivah, be strengthened and blessed. It is the largest yeshivah in the country, and for many decades he has guided tens of thousands of students, training them to think clearly and learn soundly—not superficially, but on the basis of the *Rishonim* and the poskim. I bless the Rosh Yeshivah with long life, robust health, and clear vision.

What he said is true: Maran used to give him affectionate slaps because he loved him so much. Maran had a special regard for those who brought merit to the public and taught Torah with a clear, straightforward approach.

With the permission of my elder brother, the great Rabbi Avraham, Chief Rabbi of Holon, who has brought merit to the public for decades and follows in the path of our father, Maran. He has no rest, day or night. He travels from place to place to give lectures, especially in halachah. He is well versed in our father's books and follows his rulings in every area of halachah. May he live a long life in robust health and continue bringing merit to the public. May the merit of our father, Maran, protect him and all of us.

With the permission of my brother, the great Rabbi Moshe, head of the *Badatz Bet Yosef*, who has accomplished great and extraordinary things through his court. Maran himself ate food bearing this certification, supported it wholeheartedly, and fought for it. I bless him that he continue his important work. He is overseeing a remarkable project to publish Maran's manuscripts. About fifty-five books have been published to date, and there are still boxes of manuscripts to organize and bring to print. It is wonderful work. If only the process could be expedited! We rejoice with every book that appears. May the merit of our father, Maran,

protect us all—especially Rabbi Moshe—and may he accomplish even more, increasing and glorifying Torah.

The Yom Kippur War

In 5734 (1973), the Yom Kippur War broke out. At that time, all the halachic questions that arose in the army were referred to Maran by the Chief Rabbi of the IDF and his deputy. One question concerned an army camp in central Israel. Food was cooked and prepared there during the week, then taken to the military bases before Shabbat. When the war broke out unexpectedly—where were the country's leaders? They had been so confident, and 2,700 soldiers were killed and 7,000 wounded. Where was the army? But Hashem shows us that "unless Hashem guards a city, its watchman keeps vigil in vain" (*Tehillim* 127:1)—the army was unprepared and had made no arrangements. They did not know how to get food to the soldiers. Amid the shelling and bombing, they sent a military vehicle. A Jewish soldier drove the food to the Suez Canal. The journey took several hours, and he clearly traveled more than 2,000 cubits, violating the rabbinic prohibition of *techum Shabbat*, and perhaps even the Torah prohibition of traveling twelve *mil*. Were the soldiers permitted to eat food that had been brought to them on Shabbat from beyond the *techum* in a vehicle? There were religious soldiers there, and the question was referred to Maran.

A Bar Mitzvah on Shabbat

More than thirty years ago, I encountered a similar question during a Shabbat devoted entirely to Torah study in Ramat Aviv, Tel Aviv. The large synagogue was packed, and most of the congregants were not religious. A bar mitzvah was being celebrated that Shabbat, and the boy received an *aliyah* to the Torah. Near the end of the service, someone approached the synagogue rabbi and whispered, "Rabbi, I got up early this morning. At six o'clock, I saw a vehicle unloading the bar mitzvah refreshments. After the service, there will be a *Kiddush*, and they'll serve Tempo, Coca-Cola, orange juice, bourekas—the food all has kosher certification, but it was all brought here by vehicle on Shabbat." He asked the rabbi to bang on the table and announce that it was forbidden to eat food brought through a violation of Shabbat. How is this different from the ruling in the *Shulchan Aruch* (318:1), based on the *Tosefta* (*Shabbat* 2:15), which is cited in several places in the Talmud (*Gittin* 53b; *Bava Kamma* 71a; *Shabbat* 38a; *Ketubot* 34a; *Chullin* 15a)? One who cooks on Shabbat—or performs any other forbidden labor—is forbidden to benefit from it that day, even if he did so unintentionally, and this applies to others as well.

"Open it for him"

I was sitting beside the rabbi and did not intervene. He was the synagogue's rabbi and a rabbinical judge, so why should I interfere? But I could see that he was perplexed. Although he was a judge, as is well known, not everyone is familiar with every area of halachah; he had not studied *Orach Chaim* thoroughly. The rabbi asked the man whether the food had been brought from nearby or from far away. What difference did that make? It had been brought by vehicle, which would seemingly be forbidden. When I saw his difficulty, I stepped in. "Rabbi, you should know that this is a dispute among the *Rishonim* and *Acharonim*, and there is also a dispute about Maran's position. The practical conclusion is that one may eat it, as we explained in *Yalkut Yosef* (*Shabbat*, vol. 3, *siman* 318). You and I will refrain from eating, so that the congregation will see that we protest the desecration of Shabbat. But anyone who wishes to eat may do so: 'The humble shall eat and be satisfied' (*Tehillim* 22:27)." The reasoning permitting the food was the same reasoning Maran zt"l had relied upon when permitting the soldiers to eat during the Yom Kippur War.

No Change was Made to the Item Itself

The *Rashba*[1] (*Shabbat*, *Daf Kuf Lamed* [130b])[2] teaches that the *Tosefta* speaks specifically of cooking on Shabbat, and does not mention carrying from one domain to another or similar cases, because cooking physically changes the food. Before it was cooked, one could not eat the rice, potato, or meat; the cooking made it fit to eat. Therefore, one may not benefit from the result of cooking on Shabbat. By contrast, when no physical change is made to the item—for example, when it is carried from a private domain to a public domain—the item itself has not changed, and one may benefit from it even on Shabbat. The *Ritva* makes the same point (*Eruvin* 41b). *Tosafot* (*Eruvin* 41b, s.v. *lo hifsidu*) seem to understand that cooking is merely the example given in the *Tosefta*: even when the item itself has not been changed, one may not benefit from it on Shabbat. Other *Rishonim* can be cited on both sides. Accordingly, soldiers at the front who need strength to fight may certainly eat food brought by vehicle on Shabbat. But what about administrative personnel who are not at the front, when there is no danger to life? According to the *Rashba* and *Ritva*, they may eat it; according to *Tosafot*, they may not. What is the halachah? Maran zt"l relied on the *Rashba* and *Ritva* and permitted the soldiers to eat. I ruled the same way at that bar mitzvah on Shabbat.[3]

From Yosef to Yosef

One author wrote, based on *Menuchat Ahavah* (vol. 1, p. 403, 25:7), that Maran zt"l supposedly ruled against the *Shulchan Aruch*. But Maran zt"l always said, "We follow the rulings of Maran, the author of the *Shulchan Aruch*." How, then, could he disagree with the *Shulchan Aruch*? In the laws of *techum Shabbat*, the *Shulchan Aruch* (405:9) rules in accordance with the *Rambam* (*Shabbat* 6:24). If fruit was taken beyond the *techum* and then returned, it may be eaten on Shabbat if it was taken there unintentionally, because nothing was done to the fruit itself and it was not changed. If it was taken there deliberately, it may not be eaten until after Shabbat. At first glance, the *Rambam* and the *Shulchan Aruch* seem to rule that one may not benefit from a violation of Shabbat even when the item itself has not been physically changed, contrary to the *Rashba* and *Ritva*.

People Raised Without Knowledge of Torah

To begin with, the *Acharonim* disagree about whether those who desecrate Shabbat today are considered inadvertent transgressors or deliberate ones, and whether they are like a child taken captive among non-Jews (*tinokot she'nishbeu*). Many were raised in secular schools, and their parents and grandparents were also secular. Rabbi Wosner (*Shevet HaLevi* 2:172; 9:198) wrote that they are considered heretics, to whom the rule "one does not rescue them" applies (*Avodah Zarah* 26b). The implications are frightening. If a Jew drives a motorcycle or car, has an accident, and is badly injured, may one call an ambulance or treat him under the principle of "you shall live by them"? Or suppose someone falls into an open pit that the municipality failed to cover and cries, "Baal, answer us!" The person looking down sees that he is "walking in the guilt of his iniquity" (*Tehillim* 68:22). Must he be rescued? According to Rabbi Wosner, it would seem—and I stress that this is not a practical ruling, so no one should make headlines out of it—that one would not desecrate Shabbat to save him; he would be left where he fell, because he is considered a heretic. After all, he sees religious Jews living in the Land of Israel. Why, then, did he not investigate Judaism? That was Rabbi Wosner's view. Even when others argued with him, he remained firm and supported his position in several places.

The Chazon Ish's View

The Chazon Ish, by contrast (*Y.D.* 2:28), considered them like children taken captive among non-Jews. Although they see religious Jews, they also hear constant incitement in the media. Every news broadcast says that yeshivah students are draft dodgers and deserters. In truth, the media itself is the deserter; yeshivah students are protecting this generation and the entire country. The incitement is intense and terrible, and it instills hatred in them. What can a child do when raised in such an environment? His teacher eats a sandwich without washing his hands or reciting a blessing, and he follows the teacher's example. Moreover, in our generation, there is no one who knows

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1 He was the teacher of the *Ritva* and the *Ran* in Barcelona. I was privileged to pray in the *Rashba*'s synagogue and to see the apartment where he lived. To this day, Spain's land registry lists the apartment in the *Rashba*'s name. I stood where he used to stand.

2 *Kuf Lamed* also means "Easy"; this is a great way to remember things: one should always devise a mnemonic to remember a source. For example, the Gemara in *Berachot* 38a (*Lach*) discusses dates that were crushed. When I was a student at the Hebron Yeshivah, Chacham Avraham Raful, who knew us and would sometimes visit Maran, once called me over and asked, "Do you know where the laws of fish are in the *Shulchan Aruch*?" I was a yeshivah student—ask me about the *Ketzot* or the *Netivot*! He said, "I'll give you a mnemonic you'll never forget. It is in *Yoreh De'ah*, *Siman* 83 (*Peh Gimmel*)—the initials of *gefilte fish*."

3 As a matter of good practice, synagogue rabbis or *gabba'im* should arrange for the families celebrating a bar mitzvah or *Shabbat chatan* to bring all the refreshments on Friday. Nothing should be brought into the synagogue on Shabbat. The refreshments should also be sealed in a plastic bag with kosher certification. People should not bring food they cooked at home. Someone may say, "I cooked it all, and it's kosher," without understanding what kosher means. In the case described above, they had not made these arrangements, and the problem arose.

how to rebuke effectively. "Do not rebuke a scoffer, lest he hate you; rebuke a wise man, and he will love you" (*Mishlei* 9:8). One should say, "Listen, you are an intelligent person, a fine young man. This is not appropriate for you." One should not say, "You're a fool; you're no good." But no one knows how to rebuke properly. The Chazon Ish also writes that in our generation there is *hester panim*, a concealment of the Divine Presence; we do not see open miracles and wonders as in the past. If someone is raised in a secular school, he becomes secular. Therefore, they are considered like children taken captive.

Support from the Rambam's Commentary on the Mishnah

I found support for the Chazon Ish's position in the Rambam's *Commentary on the Mishnah* (*Chullin* 1:2, Naples edition and Rabbi Korach edition). The Rambam writes: "The heretics, Tzedokim, and Baytusim, in all their varying approaches—this refers to those who first adopted that approach. … But those who were born into these views and raised in them are like people forced into them, and their status is that of a child taken captive among non-Jews; all their transgressions are unintentional." In other words, when the Rambam writes in his legal code (*Mamrim* 3:3) about Tzedokim and Baytusim, he is not speaking only about people who embraced a new religion. He is also referring to "heretics"—people who deny the faith—who were born into such families and are therefore treated like children taken captive among non-Jews. Some argue that in the past, those who desecrated Shabbat and the like followed a kind of new religion, like the Karaites, whereas today's Shabbat desecrators have no new religion and are therefore worse and cannot be considered like children taken captive. But they have overlooked the Rambam's words above. *Bet Yosef* (*siman* 385, s.v. *afilu*) cites the Rambam's words regarding *eruv*, and writes that such people are not considered public desecrators of Shabbat and may relinquish their domain. For this reason, the *Binyan Tzion* (*Siman* 23) and *Melamed LeHo'il* (1:29) write that most people who publicly desecrate Shabbat in our time are not considered public Shabbat desecrators in the sense of being regarded as having abandoned the entire Torah. Since this is the way their ancestors lived, and many Jews in our land were raised this way, they are like children taken captive and like people forced into their circumstances. The *Maharsham* (1:121) writes similarly; see also *Rav Pe'alim* (vol. 3, *O.C.* 12) and *Achiezer* (3:25). If Maran zt"l were alive, I would run to him at the speed of light to show him the Rambam's words, which support his position in *Yabia Omer* (vol. 8, *Y.D.* 21:9, and elsewhere), following the Chazon Ish.

Those Who Desecrate Shabbat Today

The practical halachah is that if someone sitting on his balcony hears an accident, sees that people are injured, and those involved are people who drove on Shabbat, it is a mitzvah to treat them. If he does not know how to help, he should call Hatzalah or Magen David Adom. They are like children taken captive among non-Jews, and Shabbat may be desecrated to save them. Similarly, someone who desecrates Shabbat today may count as the tenth person for Kaddish and may be called to the Torah as an additional oleh. However, one should not repeat the *Amidah* when the tenth man is a Shabbat desecrator. One may recite *Kedushah*, but one should not take out a Torah scroll and read from it with the blessings. Instead, one should find a discreet way to avoid doing so, perhaps saying that the Torah scroll needs repair. In *Yabia Omer* (vol. 10, *O.C.* 55, notes to *Rav Pe'alim* 3:11), Maran expressed concern that the Chazon Ish's ruling should not be followed in a case that could involve a Torah prohibition of a blessing in vain.

Wine Handled by Someone Who Desecrates Shabbat

Regarding the prohibition of *stam yeinam*, the Chazon Ish (*Y.D.* 2:23) tends to be lenient when someone who desecrates Shabbat handles or pours the wine. Maran writes similarly in *Yabia Omer* (vol. 1, *Y.D.* 11:18). This leniency should be used only when necessary. Once, I was arranging the marriage ceremony for a student in the yeshivah. After the blessing over the cup at the *kiddushin*, we set the cup aside and continued with the reading of the *ketubah* and the rest of the ceremony. Before the *Sheva Berachot*, I asked, "Where is the cup?" A photographer with a long ponytail, who looked like he desecrated Shabbat, had poured wine into it and said, "Here you are, Rabbi." I was embarrassed. He was presumably a Shabbat desecrator, so how could I recite *Borei Pri HaGefen* over that wine?[4] I said the wine was too strong and asked them to bring grape juice. They did. But what if avoiding the wine would cause an argument? For example, a person who has become religious is poured wine by his secular brother, as is customary at the Seder, when people pour wine for one another. If he says, "You desecrate Shabbat; this wine is forbidden," his brother may overturn the table, turning the Seder into chaos. One must therefore act wisely: "I, wisdom, dwell with prudence" (*Mishlei* 8:12). Bring grape juice or something similar in advance. If there is no solution and the brother has already poured the wine, one may drink it and rely on the Chazon Ish.

Returning to the Question

Some have wanted to apply this reasoning to the laws of *ma'aseh Shabbat* as well, and to treat someone who desecrates Shabbat as an inadvertent transgressor. But that is not the halachah. Even if such a person is considered like a child taken captive among non-Jews, he is not classified as an inadvertent transgressor in this context, but as one who acted deliberately. His circumstances may be considered as an additional factor, but not as the sole basis for leniency. The food brought to the soldiers in a military vehicle on Shabbat would therefore seem to contradict an explicit ruling of Maran in the *Shulchan Aruch*. This was the question raised against Maran zt"l, who had permitted it. At first glance, it is a strong question. But Maran zt"l could not have made such an elementary mistake or overlooked an explicit ruling in the *Shulchan Aruch*. I therefore said that I would open *Yabia Omer* (vol. 10, *O.C.* 25), the source of the ruling. I opened *Yabia Omer*, and was amazed by how quickly people criticize. Maran is not your study partner. He is one of the greatest Torah leaders of the generations; no one like him has arisen, and none will arise like him! At the beginning of the responsum, Maran cites the *Maggid Mishneh* (*Shabbat*, ch. 6), who explains that the Sages were stricter about the rabbinic prohibition of *techum Shabbat* because people tend to regard it lightly, more than they regard other forms of forbidden labor. This suggests that in a case where the food was brought by vehicle, there is no need to be stringent. In any event, the *Rambam* and Maran agree with the *Rashba* and *Ritva*: when no physical change was made to the item itself, benefiting from it is not prohibited.

A Dispute Among the Acharonim

Rabbi Yitzchak Tayeb, in *Erech HaShulchan* (319:3), in fact writes that the *Rambam* rules stringently. The students of Yeshivat Kissei Rachamim generally follow his view. However, Rabbi Eliyahu Yisrael—who lived about two hundred years ago, served as head of the rabbinical court in Jerusalem, and descended from generations of Jerusalem's rabbinical judges—is described by the Chida as "a wonder of the generation." In *Kissei Eliyahu* (454:1), he writes that Maran rules leniently when no physical change was made to the item itself. That is the halachah. This is especially so because the prohibition of benefiting from *ma'aseh Shabbat* is rabbinic. The Torah says, "It is holy"—the action performed on Shabbat is not itself holy (*Ketubot* 34a; *Bava Kamma* 71a). And when there is doubt about a rabbinic prohibition, we rule leniently.

A Torah Scroll Repaired on Shabbat

In *Kol Eliyahu* (vol. 1, *O.C.* 18), the author was asked about a case in which someone repaired a Torah scroll on Shabbat morning to fix letters that had become joined together. He ruled that it should not be taken out for the afternoon service, since the repair involved *makeh bepatish*, completing an item. Clearly, one may not benefit from such work that day, even if it was done unintentionally. He rebuked the synagogue's *chazzan* for taking it out in the afternoon. The *chazzan* was apparently an ignoramus who had donated the Torah scroll in memory of his father or mother and was emotionally attached to it. *Kol Eliyahu* also cites the *Razah* (*Rosh Hashanah* 28a), who writes that the principle "the commandments were not given for benefit" does not apply to rabbinic commandments. He then cites *Teshuvot HaRashba* (*Siman* 846), which seems to disagree. In fact, most of the *Rishonim*—the *Ritva*, *Meiri*, *Ran*, and others—hold that even regarding rabbinic commandments, we apply the principle that the commandments were not given for benefit. Moreover, using the Torah scroll fulfills the Torah commandment of Torah study. In practice, one should not use the scroll initially. But if it has already been taken out of the ark, one may read from it. See also *Yabia Omer* (vol. 4, *O.C.* 4:24).

Opening Bottles on Shabbat

Someone who is stringent and does not open a bottle on Shabbat because

4 There was a great Torah scholar, Rabbi Tzvi Siman Tov zt"l, who would attend the weddings of students from our yeshivah. He would recite the blessings *Borei Pri HaGefen* and *Shehakol Bara LiChvodo*, then pour some wine into his hand and drink it. After he did this once or twice, I said to him, "Are you greater than Maran zt"l, who does not do this? If there were a need, certainly—but there is no need to do so, and it is not fitting for a rabbi. In particular, the blessing is fundamentally one of praise, not a blessing over enjoyment, so the person reciting it does not have to taste the wine. The bride and groom taste it after the blessing *Asher Bara*." See *Yabia Omer*, vol. 5, *E.H.* 10:6–7.

opening it creates a kind of ring is usually stringent out of lack of knowledge. He may have studied with Ashkenazim, many of whom are stringent about such matters, without learning the rulings of our poskim. I once told a story about Chacham Shalom zt"l. He attended the Shabbat celebration for a grandchild's wedding, and when it was time to make Kiddush, they brought a sealed wine bottle. He asked for an open bottle, but none could be found. Apparently, they were concerned about the non-Jewish waiters. So he made Kiddush over bread, because he maintained that opening bottles on Shabbat was forbidden. But if Chacham Shalom had known the poskim that Maran cites, he would not have disagreed. He may not have seen Maran zt"l's ruling in *Yechaveh Da'at* (2:42; 7:59), which cites Rabbi Chaim Palagi (*Ruach Chaim*, 314:2): a container intended to be discarded is not subject to the prohibition of making a vessel. There are also several other grounds for leniency.

Suppose someone was told that opening a bottle is forbidden and is stringent about it, but another person opens the bottle. May the stringent person drink from it? Since nothing was done to the wine itself and only an obstacle was removed, he may drink it. Besides, at the very least, this is a matter of dispute, and one may benefit from the result.

A Door Opened in Violation of Shabbat

If someone is about to enter a house and an electric door suddenly opens because it has a sensor that detects body heat, he may enter. In a case of great need, such as a hospital or nursing home, one may be lenient and enter even if someone opened the door in violation of Shabbat. Similarly, if the synagogue key is lost and someone brings another key from a different apartment through a public domain, Rabbi Feinstein was asked about such a case (*Igrot Moshe*, *O.C.* 2:77). He ruled stringently and advised having a non-Jew open the door. Still, one can argue that opening the door merely removes an obstacle, like chasing away a lion sitting by the entrance so that one can walk in. In a manuscript of *Yalkut Yosef*, I wrote more than three hundred examples relating to *ma'aseh Shabbat* under *Siman* 318. I have mentioned only a few here.

Maran's Hillulah

This week is the anniversary of Maran's passing. You have now heard how, in every halachic ruling, Maran pursued the truth. As Rabbi Weiss said, Maran did not seek leniencies for their own sake. Despite his great *koach dehetera*—his ability to find grounds for leniency—he ruled stringently regarding wigs, opposed having a private seclusion room at a wedding, was stringent on Motzaei Shabbat out of concern for Rabbenu Tam's view, was stringent about carrying in a public domain, and insisted on *chalak* meat. But when the truth required a lenient ruling, he ruled leniently.

I began telling you about the Yom Kippur War. Here is another fascinating story. The Chief Rabbis of the IDF, Rabbi Piron and Rabbi Navon—whose family name had been Fahima before he changed it—admired Maran. They sent him all 950 files concerning women whose husbands had gone missing in the war. Maran sat at home on Rothschild Boulevard in Tel Aviv and worked through the cases. More than once, while writing in his library, Maran would get up, go to the kitchen, and wash his face. He was crying. He had heard how the soldiers had died in terrible agony, to the point that their bodies were difficult to identify.[5] He permitted every one of the women to remarry.

Everyone would Accept Maran's Rulings

As mentioned, the Chief Rabbi of the IDF sent all the cases to Maran zt"l. His colleague went to Prime Minister Golda Meir, angrily asking why all the cases involving *agunot* had gone to Rabbi Ovadia. "He never served in the army; he's a deserter!"—which was true in the sense that he had spent his time sitting and learning. Had he served in the army, he would not have been able to master *Chikrei Lev*, *Noda BiYehudah*, and *Chatam Sofer*. The colleague argued, "I was the Chief Rabbi of the IDF, and I deserve to handle these cases." Golda Meir told him, "You're right, but I didn't decide this. Go to the Defense Minister." He did not give up. He went to Moshe Dayan, the Defense Minister, and argued, "Why did all the cases go to Rabbi Ovadia? At least divide them equally between us." Moshe Dayan—who was not religious, but had common sense—replied, "Listen, I'm not concerned about you or Rabbi Ovadia. I'm concerned about the *agunot*. If you permit a woman to remarry, not everyone will accept your ruling; even the people at Yazdim won't accept it. But if Maran permits her, every community will accept it—even those in Meah She'arim." That is why all the cases went to Maran alone, and he resolved them all through his *koach dehetera*. He also permitted *agunot* after the Twin Towers disaster (see *Yabia Omer*, vol. 10, *E.H.* 18). He cared deeply about the Jewish people. But when a case could not be permitted, he certainly did not permit it. He did not rely on an isolated opinion or the like; everything was decided according to the truth. Reaching that level requires great diligence.

"Do not be afraid of any man"

Being that this week is Maran's anniversary of his passing, ,my voice is weak because I have traveled to many places throughout the country, by car and even by helicopter. It takes time, and there is still a week ahead of us. What message can I give the audience? Learn from Maran! Should you learn from him how to permit *agunot*? In your dreams! Rather, learn from his breadth of Torah and knowledge of the poskim. Also learn from him not to fear anyone when it comes to Torah, just as Maran was never afraid.

The Steipler said that in permitting the *agunot*, Maran relied on an insignificant author from Egypt. With all due respect, the Steipler was undoubtedly a great man and one of the leading Torah scholars of his generation, but he was unfamiliar with the great Rabbi Aharon ben Shimon, author of *Nehar Mitzrayim*.[6] In *Orchot Rabbeinu*, several pages are written against Maran. The author writes that the Steipler always referred to Maran by his first name, and once he changed and said, "Rabbi Ovadia." The book was written by a Navy rabbi, who apparently wanted to show how extreme he had become. Someone donated this book to our yeshivah, and I said that we should tear out every page written against Maran—even though the reverse sides contain worthwhile material—because, as the saying goes, "Woe to the wicked, and woe to his neighbor." I told the students to go to yeshivot that had the book and tear out those pages, because they are simply an insult to a Torah scholar. The author wrote disrespectfully because he was hurt that he had not been appointed to the rabbinical court for the *agunot*. At the time, people told Maran that there was unrest against him in Bnei Brak. Did Maran back down? The moment he understood that something was permitted, he ruled that it was permitted! That is what we must learn from Maran: study halachah thoroughly, know the poskim, and issue rulings without fear. "Do not be afraid of any man" (*Devarim* 1:17). That will be a source of satisfaction for Maran.

May it be Hashem's will that our father, Maran, intercede in prayer for all the Jewish people, and especially for our family—Rabbi Avraham and Rabbi Moshe. May Michael be at my right and Gavriel at my left. May we merit long life, many years, and robust health. Above all, may we continue Maran's path in halachah, increasing and glorifying Torah. *Amen ve'amen*.

5 There were also very difficult cases during the recent "Iron Swords" war. In one case, Hamas terrorists entered a building where an elderly couple was staying and shouted at them, "Give us the car keys!" The woman realized who they were and fled, crossing the road and climbing onto the roof of a building. They asked the man, "What is her name?" He told them. They called out to her, and she climbed up and hid beneath the rooftop water tanks. Security camera footage showed the terrorists forcing the man to drive the car and directing him toward Gaza. He never returned, and no one knew what had happened to him. His wife came to our rabbinical court—we established a court to handle *agunot*, and, *baruch Hashem*, have permitted dozens more women to remarry according to halachah—and asked, "Where has this man disappeared to? In the Yom Kippur War, there were bodies and even fragments of teeth that could be examined by a dentist. Here, the man had simply disappeared. His wife was crying; she was an *agunah*. The *Bach* (*HaChadashot, Siman* 64) cites the verse, "I saw the tears of the oppressed, with no one to comfort them" (*Kohelet* 4:1), in reference to *agunot*. We worked with the security services. At first, they were unsuccessful, but then they regrouped and did excellent work. They brought us footage from the morgue in Gaza, and the dead had to be identified through distinguishing signs. *Baruch Hashem*, we were able to permit every one of the women to remarry; not one *agunah* remained.

6 Maran zt"l told me that when he was young, he would occasionally travel with Chacham Ben Tzion Abba Shaul to visit the Chazon Ish and discuss Torah. "Ashkenazim like to discuss Torah," he would say, "while we study it…" Maran would say, "This is how the Pri HaAdamah answers the question." The Chazon Ish would ask, "Who is Pri HaAdamah—or Pri HaEtz?" Maran explained that it was the great Rishon LeTzion, Rabbi Rafael Meyuchas, son of Rabbi Shmuel, who lived about three hundred years ago. He would also mention *Petach HaDevir*, *Chikrei Lev*, Rabbi Yaakov Farag'i, Rabbi Chaim Palagi, and others, introducing the Chazon Ish to the Sephardic poskim. Maran would say that Rabbi Frank, by contrast, was also familiar with Sephardic poskim. The Chazon Ish was the glory and splendor of his generation, and the integrity of his analysis was astonishing—his greatness is impossible to describe—but he was not familiar with our poskim.