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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
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Parashat Vayera
Shabbat candlelighting
Brooklyn, NY 5:37 PM



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

Benefiting from Ma'aseh Shabbat (Part 3)

Topics of the Shiur:

Whether *Ma'aseh Shabbat* Is Forbidden by Torah Law or by Rabbinic Law | Whether *Ma'aseh Shabbat* Is a Prohibition on the Object or on the Person | Benefit from Something Subject to a Dispute | *Bishul Achar Bishul* for Liquids | *Iruy* from a *Keli Rishon* | *Amirah LeNochri* in a Disputed Matter | Having a Non-Jew Heat Soup | The Rama's Rulings Where Maran Did Not State His Opinion | The Matter of the Elections

Shiur of Maran HaRishon LeTzion shlit"a

One Who Cooks on Shabbat

The Gemara in *Bava Kamma* (71a) and elsewhere[1] cites the Tosefta (Shabbat 2:15) regarding one who cooks on Shabbat: may the food be eaten? According to Rabbi Meir, if he cooked inadvertently (*beshogeg*), it may be eaten even that same day. If he cooked deliberately (*bemezid*)—he knows today is Shabbat and knows it is forbidden to cook, but they educated him in a secular school, so what can the poor boy do and not sin—if he went ahead and cooked on Shabbat, it may not be eaten that day. According to Rabbi Yehuda, if inadvertently, it may be eaten on Motzaei Shabbat; if deliberately, he himself may never eat it,[2] while for others it is permitted on Motzaei Shabbat. According to Rabbi Yochanan HaSandlar, if inadvertently, it may be eaten on Motzaei Shabbat by others but not by him; if deliberately, it may never be eaten, neither by him nor by others. The reason is that Rabbi Yochanan HaSandlar holds that *ma'aseh Shabbat* (food or any product of a forbidden act done on Shabbat) is forbidden by Torah law, as it says, "And you shall keep the Shabbat, for it is *holy* to you"—like a sacrifice, which is holy and forbidden *mide'orayta*. Rabbi Meir and Rabbi Yehuda, however, expound the verse differently: "for *it* is holy to you"—it is holy, but its products are not holy. It is only a penalty (*kenas*), and the Sages forbade benefit from *ma'aseh Shabbat* (*Ketubot* 34a).

1 The remarks of HaRabbanim HaGaon Rabbi Yehuda Cohen and HaGaon Rabbi Moshe Maya appear at the end of the bulletin.

Remarks of Maran shlit"a: *Chazak u'baruch* to the great Rav, HaGaon Rabbi Yehuda Cohen shlit"a, Rosh Yeshiva of the Yakirei Yerushalayim and Be'er HaTalmud yeshivot. *Ben porat Yosef*, who raises up the yoke of Torah. He told me recently that his institutions already have over a thousand students. Where was there ever such a thing? About sixty years ago, when we were young, we learned in Porat Yosef Yeshiva Ketana, and there were eighty or a hundred students, plus a few more in the branch in Geula—altogether a few hundred. But *Baruch Hashem*, today there are thousands, seven or eight hundred students in each yeshiva: in Rechasim, Bet Shemaya, Ohel Torah, Maor HaTorah. It is unbelievable how the Sephardic Torah public is growing. This is in the merit of Maran, who gave his life for the Talmudei Torah and the education of children, and now we see the fruits. *Chazak u'baruch* to the Rav; may he merit to do much more still, and continue to act and accomplish until a hundred and twenty.

By permission of the great Rav, HaGaon Rabbi Moshe Maya, member of the Moetzet Chachmei HaTorah and the beloved disciple of my father, Maran zt"l. I asked him to speak now, but he asked to speak after the shiur—his wish is his honor. Know that Maran loved him very much. We, the sons, were jealous of him in our youth—our father loved him more than us... but he deserves it. Maran would consult with him and a few other *chachamim* of Torah VeHora'ah on the files of the *agunot* from the Yom Kippur War, extremely difficult cases. Rabbi Maya heard hundreds of shiurim from Maran in Tel Aviv, in the Torah VeHora'ah kollel. Now we are together in the Moetzet Chachmei HaTorah, and I am happy to sit together with Rabbi Yehuda Cohen and Rabbi Maya, who follow in the path of Maran. Fortunate are they, and fortunate is their portion. I bless the Rav with robust health and length of days and years, that he continue to bring merit to the public and do much more still.

By permission of HaGaon Rabbi Efraim Laniado, Chief Rabbi of Brazil, also one of Maran's disciples. Sixty or seventy years ago, a group of bachurim from Porat Yosef Yeshiva would come to Maran—Chacham Efraim, his brother Rabbi Eliyahu, Dani Antebi, Chacham Yitzhak Abba Shaul and others. They would come to the courtyard behind the house on Elkana Street and learn the Daf Yomi with Maran every day—among the very few who merited this! We bless him that he merit to do much more still. He has influence on the philanthropists of São Paulo, Brazil, and is among the supporters of the Torah world. He helps everyone, but to the Sepharadim he gives double—"and do not hide yourself from your own flesh" (*Yeshayahu* 58:7)... We will say a few words of halachah, and afterward we will hear HaGaon Rabbi Maya.

Ma'aseh Shabbat Is Rabbinic

The Gemara there continues: Rav Acha and Ravina disagree about this—within the view of Rabbi Yochanan HaSandlar. One says *ma'aseh Shabbat* is *de'orayta*, and the other says *ma'aseh Shabbat* is *de'rabbanan*. The Gemara does not say who said what, but in *Pesachim* (74b) and *Chullin* (93b) it states that throughout the entire Torah, whenever Rav Acha and Ravina disagree and it is not stated who said what, Rav Acha is stringent and Ravina is lenient, and the halachah follows Ravina leniently, since he was the later authority (*batra'ah*)[3]—after all, Ravina compiled the Talmud together with Rav Ashi. It follows that the halachah is like Ravina, that *ma'aseh Shabbat* is forbidden only *mide'rabbanan*. And in any case, the halachah does not follow Rabbi Yochanan HaSandlar at all, but rather Rabbi Yehuda, according to whom *ma'aseh Shabbat* is Rabbinic.

A Host of Poskim

This is how the *Rishonim* ruled—*Ramban, Rashba, Ra'ah* and *Meiri* (on *Ketubot* 34a)—that *ma'aseh Shabbat* is forbidden *mide'rabbanan*. Several *Acharonim* wrote the same, among them the *Mabit* in *Kiryat Sefer* (cited in *Sdei Chemed*, *Ma'arechet Mem, Kelal* 95, p. 509c); *Shulchan Aruch HaRav* (318:1); Rabbi Yehuda Ayash in *Mateh Yehuda* (318:1); Rabbi Yitzchak Tayeb in *Erech HaShulchan* (end of 318:3); Rabbi Moshe Feinstein in *Igrot Moshe* (*O.C.* 123); and Rabbi Yitzchak Weiss—Ra'avad of the Edah HaChareidit—in *Minchat Yitzchak* (2:106). All of them wrote that *ma'aseh Shabbat* is forbidden *mide'rabbanan*. Mahari Abuhav as well, in his *chiddushim* on the *Tur* (318): although he explained Rabbi Yochanan HaSandlar to mean that *ma'aseh Shabbat* is *de'orayta*, he wrote that according to Rabbi Yehuda and Rabbi Meir it is *de'rabbanan*, and he ruled like Rabbi Yehuda—implying that *ma'aseh Shabbat* is Rabbinic.

Midi De'achilah — Matters of Eating

The *Levush* (244:3, and the beginning of 318), however—over 400 years ago—wrote that

2 But he may sell it to a non-Jew and receive payment from him, since the Sages did not forbid benefit to that extent. HaGaon Rabbi Shlomo Zalman Auerbach (*Minchat Shlomo*, vol. 1, 5:3, s.v. *Vehineh*) forbade selling the food and profiting from it. In *Yalkut Yosef* (*Shabbat*, vol. 3, p. 15, and in manuscript) we brought his words, and we did not simply disagree, but wrote refutations of his proofs. Afterward *Yabia Omer*, vol. 10, was published, and there (55; *O.C.* vol. 3, 16; *Chazon Ovadia*, *Shabbat*, vol. 2, p. 421) Maran wrote exactly as we did—that benefit through selling to a non-Jew is permitted.

3 The rule *hilchata kebatra'ei* (the halachah follows the later authorities) was not said about our generations, but only in the time of the Tanna'im or the Amora'im. So wrote the *Radbaz* (3:564). I have seen several *Acharonim*, among them the Steipler (*Orchot Rabbenu*, vol. 5, p. 70), who write that one must follow the latest authority, such as the Chazon Ish, because the halachah follows the later authorities. We pointed out in *Yalkut Yosef* (*Pesach*, vol. 2, p. 841) the words of the *Radbaz*, as well as the *Shach* (*C.M.* 25:21) in the name of *Maharam Alshich* (39, p. 61b), and others. And even if we assume he is correct, then the halachah follows Maran zt"l against the Chazon Ish. When there is a dispute between Maran and the *Rama*, we accepted the rulings of Maran, even though the *Rama* lived after him; *hilchata kebatra'ei* applies only to the Tanna'im and Amora'im (see also *Ein Yitzhak*, vol. 3, pp. 450, 554).

a full *melachah* done on Shabbat is forbidden in benefit by Torah law. The *Yad Malachi* (*Kelalei HaReish* 564) likewise cites in the name of the *Damesek Eliezer* (*Chullin* 36a)—an early authority from about 400 years ago—that the rule that Ravina is lenient and the halachah follows him was not said regarding prohibitions of eating, because it is a disgrace for a Jew that his body should grow from something cooked on Shabbat. According to them, *ma'aseh Shabbat* is forbidden *mide'orayta*. This is somewhat puzzling, though, because the Gemara says the halachah follows Ravina *lebar mehani telat*—except for three cases: *umtzei*, *bei'ei* and *mizrakei agumrei*—which are all matters of eating. This implies that even in matters of eating we follow Ravina leniently. Otherwise, why would it need to say that the halachah follows him everywhere except for these three cases? All three are matters of eating anyway, and would not be included in the rule in the first place.

One Should Not Impose Excessive Fear

In the Gemara in *Gittin* (7a), Rabbi Abahu said: A person should never impose excessive fear in his home,[4] for a great man once imposed excessive fear in his home and they fed him something terrible. Who was it? Rabbi Chanina ben Gamliel. The Gemara asks: Could you possibly think they actually fed it to him? If Hashem does not bring a stumbling block even through the animals of the righteous, all the more so through the righteous themselves! Rather, they sought to feed him something terrible. What was it? *Ever min hachai* (a limb from a living animal). Once he wanted the leg of a lamb, and the members of the household were so afraid of him that they immediately ran and cut a leg off a live lamb and brought it to him. *Tosafot* (*Gittin* 7a) wrote that Hashem does not bring a stumbling block upon the righteous specifically in matters of eating, because it is a disgrace for a *tzaddik* to eat something forbidden. Other prohibitions, which are on the person (*gavra*) rather than on the object (*cheftza*), are different—in those a *tzaddik* can stumble.

He Read and Tilted the Lamp

Tosafot cite the Gemara in *Shabbat* (12b): one may not read by the light of a lamp, lest he tilt it and transgress the prohibition of kindling on Shabbat.[5] Rabbi Yishmael ben Elisha said: I will read and I will not tilt it—I have *yirat Shamayim*, fear of Hashem.[6] Once he read and wanted to tilt the lamp. He said: How great are the words of the Sages, who said one may not read by the light of a lamp! Rabbi Natan says: He read and tilted it—meaning that he actually transgressed a Torah prohibition—and he wrote in his notebook: "I, Yishmael ben Elisha, read and tilted a lamp on Shabbat. When the Bet HaMikdash is rebuilt, I will bring a fat *chatat* offering." So there are those who say that Rabbi Yishmael stumbled. How is that possible? The answer is that only in eating forbidden food does Hashem not bring a stumbling block upon the righteous.

They Ate on Yom Kippur

In the Gemara in *Rosh Hashanah* (21a), Levi came to Bavel and saw them eating a cooked dish on Motzaei Yom Kippur. He said to them: How tasty is the dish of the Babylonians on the great day of Eretz Yisrael—the food of the Babylonians is delicious on the day of the Yom Kippur fast in Eretz Yisrael. He meant to tell them that although Elul is usually not a full thirty-day month, that year they had made Elul full in Eretz Yisrael, and the messenger had not managed to reach Bavel to inform them—there was a traffic jam on the roads... So for them it was actually now the night of Yom Kippur, *Kol Nidrei*..., and meanwhile they sat and ate. How could *tzaddikim* and *chassidim* stumble and eat on the night of Yom Kippur? *Tosafot* answered that they did not stumble in eating something forbidden in itself (*cheftza*). They ate permitted food—*chalak Bet Yosef* meat—and stumbled in a prohibition on the person (*gavra*): they ate at a time that causes a prohibition. In this, even the righteous can stumble, like Rabbi Yishmael, who read and tilted the lamp on Shabbat, which is a time that causes a prohibition.

Ma'aseh Shabbat — Cheftza or Gavra

We need to examine whether *ma'aseh Shabbat* is a prohibition on the object (*cheftza*) or on the person (*gavra*). First of all, we never find something forbidden in itself—such as pork, *nevelah* and *terefah*, *ever min hachai* and the like—that is forbidden to eat during the day and permitted at night. Yet *ma'aseh Shabbat* done inadvertently is forbidden on Shabbat and permitted on Motzaei Shabbat, and even when done deliberately, for others it is forbidden on Shabbat and permitted on Motzaei Shabbat. We do, however, find something like this regarding a *neder* (vow). An oath (*shevuah*) is on the person: one swears not to eat on a given day. The *Ran* in *Keritot* (21a) explains that an oath is on the person, while a vow is on the object—one vows not to eat a particular food. Yet a vow can be for a set time, so we see that the concept of time does exist within a prohibition on the object. Rabbi Frank wrote in *Har Tzvi* (*O.C.* 183) that although *ma'aseh Shabbat* is Rabbinic, it is nevertheless a severe prohibition, since the Sages made it a prohibition on the object. Several *Acharonim* disagreed with him, and there is lengthy discussion of this among the *Acharonim* (see *Yalkut Yosef*, beginning of 318). The conclusion is that the prohibition of *ma'aseh Shabbat* is a Rabbinic penalty on the person.

Benefit in a Disputed Case

One practical difference: the *Pri Megadim* (E.A. 318:10)—cited by *Mishnah Berurah* (318:2)—wrote that since the prohibition of *ma'aseh Shabbat* is Rabbinic, anything subject to a dispute among the poskim, even where the halachah was decided to forbid it, becomes a Rabbinic doubt as far as benefit is concerned, and we are lenient. For example, as is well known, we Sepharadim follow the view of Maran *HaShulchan Aruch* (318:4, 8, 15) that a liquid dish called "soup"—even if it has noodles, potatoes and carrots in it, as long as the main part is the soup—may not be reheated after it has cooled,[7] because there is *bishul achar bishul* (cooking after cooking) for liquids. A dry dish, however, even if it has a little sauce in it—such as a pot of fish from the refrigerator (the Iraqis love fish with sauce...) or *hamin*—may be reheated, because there is no *bishul achar bishul* for dry food. This is how Maran ruled. The definition of liquid and dry is as follows: if the majority is dry and the dish is called by the name of that majority, such as *hamin*, fish with sauce and the like, it is considered dry. If the majority is liquid and it is called by the name of that majority, such as soup, it is considered liquid. The "majority" is not decided based on 51 percent. Rather, the "majority" is determined by the significance of the food—by what it is called.

Bishul Achar Bishul for Liquids

What would the law be in this case? A man went to pray Minchah in the bet knesset and met a friend from his youth—they had learned together in yeshiva, and he had not seen him in years. He says to him, "Come to me for *Seudah Shelishit*." His wife had not prepared anything. What would she give him to eat? There was soup on the side from the morning or the night before (Ashkenazim eat soup on Friday night; we eat meat—you need strength to learn...). She took the pot of cold soup and put it on the *plata* (electric hotplate), and by the time they had talked and eaten salads, the soup had warmed up and reached *yad soledet bo* (the temperature from which the hand recoils). Suddenly her husband was fuming. He saw the soup and asked her, "Did you just heat this up?" "Yes, for the guest." "Oh no! There is *bishul achar bishul* for liquids!" And she says, "Don't you know halachah? I heard at the Yazdim that *bedi'eved* it may be eaten..."

Although *lechatchilah* she did not act properly, *bedi'eved*, if she went ahead and heated it, it may be eaten. The reason is that the poskim disagree. According to *Rashi* (*Shabbat* 34b), *Tosafot* (*Tosafot Yeshanim, Shabbat* 37b), *Rosh* (*Shabbat* 3:10) and *Rabbenu Yonah* (*Iggeret HaTeshuvah*, Day 5, 1:3), there is a distinction between liquid and dry, and it is forbidden to reheat soup that has cooled. But according to the *Rambam* (*Shabbat* 9:3 and 22:8), *Rashba*, *Ritva* and *Ramban* (*Shabbat* 40b) and *Ran* (*Shabbat* 40b and 48a), there is no distinction between liquid and dry, and it is permitted to reheat soup that has cooled. Although the *Shulchan Aruch* did not rule like them, *bedi'eved*, as far as benefit from *ma'aseh Shabbat* is concerned, one may be lenient, because *safek de'rabbanan lekula* (in a Rabbinic doubt we rule leniently).[8]

Iruy from a Kli Rishon

The *Magen Avraham* (318:32) wrote that if one poured (*iruy*) from a *keli rishon* (the vessel in which the food was heated), it is forbidden to benefit from the outer layer (*kedei kelipah*). The *Mishnah Berurah* (318:2) cited the rule of the *Pri Megadim* that wherever the poskim disagree, *bedi'eved* it is permitted to benefit, and noted that the *Magen Avraham* (323:11) wrote similarly. He also referred to the above words of the *Magen Avraham* regarding *iruy* from a *kli rishon*, and wrote that this requires a little further thought. For although the *Shulchan Aruch* (318:10) ruled that *iruy* cooks the outer layer, there are *Rishonim* who hold that *iruy* does not cook, and so *bedi'eved* he should have permitted benefit. One could seemingly raise the same point against the *Mishnah*

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4 Rather, he should speak calmly, like Maran zt"l, who did not shout at home but spoke calmly. Even with the public, I don't remember him ever shouting at anyone. Sometimes, when someone spoke in the middle of the *chazarah* or the Torah reading, after *tefillah* Maran would say to him, "Come, walk me home," and on the way he would explain, "You spoke in the middle of the *chazarah*. The *Shulchan Aruch* (124:7) says we rebuke such a person, but I didn't want you to be embarrassed. In the future, be careful not to speak."

5 One may read by the light of a flashlight or an electric night lamp, even when it is possible to raise the light or add another lamp, since we have only what the Sages decreed (*Yabia Omer*, vol. 1, *O.C.* 16; *Yechaveh Daat*, vol. 3, 20, and vol. 6, 20; *Chazon Ovadia*, *Shabbat*, vol. 1, pp. 222–233).

6 Whoever heard the talks of Chacham Yehuda Tzadka a"h, how he would speak *mussar*—he was very passionate about Gan Eden and Gehinnom. At our yeshiva, Chazon Ovadia, he gave regular talks every Rosh Chodesh, and we were strengthened. Incidentally, he was together with Maran zt"l in everything he did. He had a sense of responsibility toward the entire Jewish people, not just for himself. This is an important thing.

7 That is, on a *plata* that is on. But it is permitted to place soup on a *plata* that is off and will be turned on by a Shabbat timer.

8 All this applies to a dispute among the poskim. But if the doubt is about the facts—one cooked inadvertently on Shabbat and does not know whether it was after sunset or before sunset—this is something that will become permitted (*davar sheyesh lo matirin*), so he should not eat it on Shabbat, but only on Motzaei Shabbat, when it will be permitted to eat according to all opinions (see *Mishnah Berurah* 318:5).

Berurah himself elsewhere (318:74), regarding putting spices in a bowl and pouring onto them from a *kli rishon*. He wrote that although spices do not cook in a *kli sheni*, nevertheless pouring from a *kli rishon*—which we hold cooks the outer layer—is forbidden even *bedi'eved*. This is difficult, since several *Rishonim* hold that *iruy* has the status of a *kli sheni*, and if so, *bedi'eved* he should have permitted it. There are all kinds of distinctions here; some wrote that not every dispute makes something permitted *bedi'eved*. The *Pri Megadim* (E.A. 254:11) wrote that in any case the one issuing the ruling must examine who the disputing authorities are—meaning that not every dispute counts as a doubt.

Amirah LeNochri in a Disputed Case

Likewise, something about which the poskim disagree may be done by asking a non-Jew to do it. This is evident from the *Bet Yosef* (314:7), and as the *Pri Megadim* wrote (E.A. 314:11). The reason is that *amirah lenochri* (instructing a non-Jew to do a *melachah*) is a Rabbinic *shevut*, and *safek de'rabbanan lekula*. True, the *Mechilta* (*Bo, Parashah* 9) expounds the verse "No *melachah* shall be done on them": you shall not do it, your fellow shall not do it, and a non-Jew shall not do your work. This is cited in the *Bet Yosef* (end of 244) in the name of the *Smag* (*Lavin* 75). The *Smag* wrote: "One can say that it is merely an *asmachta* (a Scriptural allusion for a Rabbinic law), for if it were a Torah law, the Sages would not have permitted it even in the non-Jew's own home, even when it was handed over before Shabbat.[9] Yet the wording 'shall not be done' written in the Torah indicates somewhat that it is a full exposition." In any case, our Talmud is full of the principle that *amirah lenochri* is a Rabbinic *shevut*. So if one wants to give the guest soup, it is permitted to tell a non-Jew to heat the soup. This is a matter of doubt—whether there is *bishul achar bishul* for liquids—and Maran, who was stringent, ruled that way because of the doubt, but he did not nullify the other opinion, which still stands. Therefore, through a non-Jew it is permitted.

The Visit to Mexico

I once told this story. Moshe Saba a"h was a great philanthropist in Mexico, one of the pillars supporting the yeshiva world. In 5754, thirty-five years ago, he called my father, Maran zt"l, and told him: "Several avrechim came here, and they are deliberately tearing down all of the Rav's Torah. I can't bear it. Whatever the Rav says is permitted, they say is forbidden, and whatever he says is forbidden, they say is permitted. Let the Rav send his son, Rabbi Yitzhak, to come to us in Mexico, give shiurim in the kollelim, and strengthen the Rav's path." Every day, for years, Moshe Saba had a shiur in *Yalkut Yosef* after *tefillah*.
Maran spoke with me and said, "It pains me. I sat over the halachot with great toil and effort—I don't pull things out of my sleeve—and young avrechim come and tear it all down. Go to Mexico. Moshe Saba will give you a hotel and plane tickets, and you will give shiurim there." I said to Maran, "Abba, how can I go? I have a yeshiva and I need to give shiurim. A Rosh Yeshiva who is not devoted to his yeshiva—the yeshiva falls apart; and if he is devoted to his yeshiva, the yeshiva succeeds." But it pained Maran that people disagreed with him for no reason. When there were proofs, he took an interest, but it hurt him when people disagreed with him groundlessly, as a habit. He said, "Listen, it's very important to me that you go. You give a shiur in the yeshiva every day? I will come every day to give the shiur in your place, and go in peace." Who could refuse? I went for two weeks, traveling from place to place to give shiurim. When I came back, the bachurim were sorry—Maran had been with them...

What a Welcome!

When I arrived in Mexico, Moshe Saba said to me, "Rav, the whole city is full of posters about you." I asked, "What posters—'*Baruch haba beShem Hashem*'?" "No, posters against you!" "What, is there a faction here?!" He took out one of the posters and showed it to me. One of the rabbis there, who has written dozens of books, heard I was coming. He went and photocopied what we wrote in *Yalkut Yosef* (318, p. 207)—that it is permitted to tell a non-Jew to take cold soup cooked the day before and heat it on the *plata* until it reaches *yad soledet bo*—and next to it he photocopied a passage from the *Rama* (253:5): "Whatever one may not do among these things, one may not tell a non-Jew to do. Therefore one may not tell a non-Jew to heat the pot if it has cooled, and if he did so, it is forbidden to eat it even cold." And they hung it up in all the synagogues. I said to him, "Bring me a *Bet Yosef* to the hotel, and announce that tomorrow there will be a shiur on this topic." The next day I gave a shiur at Keter Torah in Mexico on this topic, and the place was packed—it intrigued them...

The Rama's Rulings for Sepharadim

I could have told them: True, the *Rama* wrote this, but we accepted the rulings of Maran, not the rulings of the *Rama*. There is a dispute among the *Acharonim* about this. Rabbi Eliyahu Chazan, in *Ta'alumot Lev* (vol. 3, p. 107b), wrote that where the *Rama* wrote a halachah and Maran did not state his opinion, there were places that followed the *Rama* and places that were not concerned about his words. And there are those who wrote that the *Rama* is like one of the poskim whose rulings we did not accept. This is the view of the *Mishpatim Yesharim* (vol. 1, 424), the view of HaGaon Rabbi Yosef Yedid in *Yemei Yosef* (vol. 1, *E.H.* 1, p. 22d ff.), and others.

What Shall I Answer Rav Shach?

Incidentally, an interesting story. Many years ago, someone came to Rav Shach and stirred him up against Maran zt"l. Rav Shach called Rabbi Aryeh and said to him, "They told me that Rabbi Ovadia writes that the *Rama* is like one of the poskim! Does he know who the *Rama* is? The entire House of Israel leans on him! I don't want to hear any more from you—*gey aroys*—get out!..." Poor Rabbi Aryeh was frightened. He came to me right away at Yeshivat Chazon Ovadia and asked, "Did Maran really write this? What shall I answer Rav Shach?" I told him, "He really did write this, and don't be afraid." I took out *Yechaveh Daat*, vol. 5, where (in the *Kelalei HaHora'ah* at the end of the volume, and in the second edition at the beginning of vol. 7, sec. 6) he cites a dispute among the rabbis of the Maghreb and Tunisia about the Sepharadim's relationship to the *Rama*, and concludes that the *Rama*'s rulings are like those of one of the poskim. I explained to him, "Did he mean, *chas veshalom*, to belittle him? He meant to say that the *Rama* is like the *Ba'al HaMaor*, the *Ramban* and many other *Rishonim* whose rulings we did not accept, even though they are *Rishonim* who are like angels. We accepted only the rulings of the *Rambam*, and after him *Maran HaShulchan Aruch*. There is no belittling here at all! Look at how you read it—give it the right tune..." He said, "Good, give me the book. I'm running to Rav Shach now to calm him down..." And indeed, Rav Shach looked and was surprised: "Why did they tell me that?" And he was put at ease. I told him, "Don't forget to return the book to me—it's volume 5 of a set." But to this day he hasn't returned it...[10]

The Source in the Bet Yosef

Had I answered them in Mexico that we don't rule like the *Rama*, it would not have been correct here. Anything Maran did bring in the *Bet Yosef*, even if he did not write it in the *Shulchan Aruch*, is the halachah. And here the source of the *Rama*'s words is in the *Bet Yosef* (253), who cites at length the responsum of the *Rashba* (*She'elot uTeshuvot HaChadashot* 18): one who cooked his food fully on *Erev Shabbat*, and the next day, on Shabbat, told a non-Jew to light the fire and heat his food—it is forbidden to benefit from the food, and even after it has cooled it is forbidden that Shabbat, as a penalty. Although Maran did not copy this halachah into the *Shulchan Aruch*, he relied on the one studying the *Bet Yosef*. He did not intend for people to study the *Shulchan Aruch* alone; he arranged the *Shulchan Aruch* so that within a month one could review the halachot of the *Bet Yosef*, as he wrote in his introduction to the *Shulchan Aruch*.

Vatishkot HaAretz

I said to them in the shiur: "Gentlemen, if we say as the author of that poster understood, there would be a contradiction in the words of *Maran HaBet Yosef*. In the *Bet Yosef* (314), regarding breaking the seal of a barrel, he brings a dispute among the *Rishonim*, and although Maran himself ruled to forbid it for a Jew, he wrote to be lenient through a non-Jew. If so, how could Maran in 253 copy the words of the *Rashba*, who forbade telling a non-Jew to heat the pot? There are those who hold that there is no *bishul achar bishul* for liquids and permit it even by a Jew! Does Maran contradict himself?!" All the avrechim stood up and said, "Right, the Rav is raising a good point."
I told them: "Gentlemen, the *Rama* removed two words from the words of the *Rashba*. He wrote, 'Therefore one may not tell a non-Jew to heat the pot if it has cooled,' etc. But in the *Bet Yosef*, Maran copied the *Rashba*'s wording in full: 'One who cooked his food fully on Erev Shabbat, and the next day, on Shabbat, told a non-Jew *to light a fire* and heat his food, it seems to me that it is forbidden,' etc. If so, it is specifically where one tells the non-Jew to light the fire—which is a Torah prohibition according to all opinions, as it says (*Shemot* 35:3), 'You shall not kindle fire in any of your dwellings on the Shabbat day'—that it is certainly forbidden to tell a non-Jew. This is not the case when he heats on the *plata* a liquid that was already cooked, which according to the *Rambam* and those who follow him is permitted even by a Jew; such a thing we may tell a non-Jew to do." And if you ask, why then did the *Rama* remove the words "to light the fire"? Because the *Rama* there is discussing the laws of leaving food on the fire (*shehiyah*) on Shabbat in a way that is forbidden according to all opinions, and that is forbidden even without lighting the fire (see *Biur Halachah*, s.v. *Lehachem*). In any case, we accepted the rulings of *Maran HaBet*

9 For example, someone writing a book who is copying—there are many who copy from *Yabia Omer*, and some have even published an entire set copied almost wholesale from *Yalkut Yosef*...—and it needs to go to print on Motzaei Shabbat, and he knows he won't finish in time. He has a non-Jewish neighbor and tells him, "Copy the entire responsum by Motzaei Shabbat." The law is that in the non-Jew's home it is permitted (*Shulchan Aruch* 244:5; see also *Yechaveh Daat*, vol. 3, 17).

10 More than that—it is important to know that when Shas was founded, Rav Shach was somewhat angry that they had followed Maran, and he spoke harshly. Aryeh Deri called all of Maran's sons: "Come to Rav Shach's house today at seven in the evening." This was the day after they succeeded and won four seats for the first time. I am not connected to politics—why should I go? I refused. Aryeh got Maran involved, and Maran called me and told me to go. I went to Rav Shach, and all the brothers were there—Chacham Yaakov, Chacham Avraham, Chacham David and Chacham Moshe. Each one passed before Rav Shach, and Aryeh told him, "This one learned in Yeshivat Kol Torah and afterwards in Torah VeHora'ah," and so on. Chacham Moshe was still young, and he said of him, "This one is still in Yeshivat Chevron." Rav Shach examined each one from head to toe, and looked at the kippah too... Rav Shach said, "Tell Rabbi So-and-so—he has since passed away—not to come to my house anymore. How could he tell me that Rabbi Ovadia's sons are like Smotrich and Ben Gvir... *chas veshalom*, here they are, all *benei Torah*." He said to him, "Rosh Yeshiva, I knew that's what they told you, and they simply lied to you. Here they all are, *benei Torah*."

Yosef. I told them the answer; they listened and enjoyed it very much. In one moment I resolved the difficulty for them. Moshe Saba had promised me that if I answered well and the answer was accepted, he would donate a hundred thousand dollars to the yeshiva. And so it was. Whoever resolves the words of Maran zt"l gets a hundred thousand dollars...

Remarks of HaRabbanim HaGeonim shlit"a Ahead of the Upcoming Elections

From the words of Rabbi Yehuda Cohen shlit"a: Due to our many sins, in these days the haters of Torah are issuing decrees against those who learn Torah—decrees they do not issue against Arab terrorists and their families. Unbelievable! It is impossible to believe, or even imagine, how they wage war against the Torah and those who learn it. They don't know that by doing so they are the greatest enemies of the soldiers, for it is written (*Shemot* 15:3), "Hashem is a Man of war." If we win a war, it is with *siyata diShmaya*, as it was with the Chashmonaim, and with Chizkiyahu HaMelech, who learned and taught Torah, and Hashem did the work for him.

I once spoke with a rabbi from the Va'ad HaYeshivot and asked him, "How are you managing?" He said, "The army doesn't need the yeshiva bachurim. It's only the left-wing politicians who issue the decrees and harm the Talmudei Torah, the yeshivot ketanot and gedolot, and the kollelim." It is in the merit of their learning and their prayers—when the Ark is opened they recite Tehillim and say a *Mi Sheberach* for the soldiers—that Hashem saves the soldiers, and many soldiers come and ask, "Pray for us." In practice, those politicians are the greatest harm to the soldiers, out of private interests; nothing else interests them.

Our Rabbis—Rabbi Ezra Attiya, the teacher of rabbis, Maran Rabbenu Ovadia Yosef, and others—never asked anything for themselves and did everything for others. That is the way of the Torah. But these people think only of themselves and raise a hand against the Torah of Hashem. *Baruch Hashem*, I have been a Rosh Yeshiva for fifty-seven years. I remember when we started at Ohel Moed, there were no Sephardic *benei Torah*. If a student was sick and wanted to go home, his father would say to him, "You went to yeshiva—let the yeshiva take care of you..." Afterwards our great Rabbis—Maran Rabbenu HaGadol zt"l, together with Rabbi Yehuda Tzadka and Rabbi Ben Tzion Abba Shaul—decided that Talmudei Torah needed to be opened. They held a gathering of avrechim, and since I was a Rosh Yeshiva they called on me to speak. I was the first speaker there, and I explained the need to do everything to open Talmudei Torah. At the time, Rabbi Kassin zt"l donated fifty thousand dollars, and with it we opened ten Talmudei Torah.

A short time later the Shas movement arose, and Maran Rabbenu Ovadia Yosef founded the education network. I was chairman of the network's board, and every week or two I would go to Rabbi Aryeh Deri, may he live, as the messenger to tell him: "Listen, we want to open a Talmud Torah in this city, in this moshav." He would immediately pick up the phone to the mayor or the council head, and we would get buildings. That is how it was in dozens upon dozens of places. Were it not for the education network that Maran established in Shas, the whole great public that exists today would not exist. And throughout this entire period, who takes care of the Talmudei Torah, of the staff getting paid? Shas. They are the only ones who fight for the Sephardic Torah institutions. The Ashkenazim take care only of themselves.

After the elections—or, *chas veshalom*, if they trample the Torah and those who learn it—they will see that the Torah cannot be defeated. Righteous Jews, act for the sake of His Name. *HaKadosh Baruch Hu* is pleading: "My beloved children, I want to bring you Mashiach, but know that up in Heaven there is a war; there are accusers against the Jewish people. Please strengthen yourselves in Torah and *yirat Shamayim* and come close to Me, so that I can bring you Mashiach." We must not lend a hand to the accusers; without Torah study, there is nothing in the world. Every person says in Minchah the words of David HaMelech in *Tehillim* (84:11), "For one day in Your courtyards is better than a thousand," and *Rashi* explains that one day in Your courtyards—in the Bet Midrash—is better than living a thousand years anywhere else. What is the use of life in this world without Torah? Afterwards the worms eat him in the grave.

By permission of Maran HaRishon LeTzion shlit"a, and his honor HaGaon Rabbi Moshe Maya. When I came to Eretz Yisrael and arrived in Yerushalayim, I got out of the car next to the house of Maran Rabbenu Ovadia Yosef zt"l, and I saw his library. For years I was his neighbor; I would pray with him, and I learned the Daf Yomi with him together with a few other bachurim. I saw his love of Torah. A small example: I would see him leave the house—he used to travel by bus—and walk from 8 Elkana Street to the bus stop on Tzefanya Street, crossing the road with an open *sefer*, never stopping his learning. I saw it with my own eyes! That is love of Torah. And how much he loved those who learn Torah! We had a bachur in the yeshiva who fell ill with that dreaded illness, and he went to Maran's home, and Maran shed more tears than his own father.

When Maran Rabbenu Ovadia Yosef zt"l passed away, a million people left their homes to accompany him. Not all of them managed to arrive, because the roads were jammed, and newspapers all over the world wrote that there had never been such a funeral in the world. All of it came from his self-sacrifice for Torah; through it he changed people. Those million people who came out to accompany Maran must remember his life's work, and every single one of them, without exception, must vote Shas. After the elections everyone will say, "Shas went up, because everyone listened to what the Sephardic Sages said—that one must vote Shas." Then Maran zt"l and the other Sages of Israel in the World of Truth will plead in our favor, and may we soon merit the coming of the light of Mashiach, who will come and redeem us with an everlasting redemption.

From the words of Rabbi Moshe Maya shlit"a:

By permission of our teacher, Maran HaRishon LeTzion shlit"a, dear public: When the center of Torah is in Eretz Yisrael, the verse "If you walk in My statutes" (*Im bechukotai telechu*) is fulfilled—as *Rashi* brings in the name of the *Torat Kohanim*: that you toil in Torah, asking questions and answering them and toiling to understand. A proof is from the Gemara in *Berachot* (61b): Rabbi Akiva risked his life to gather congregations in public. Why was he not satisfied with having people learn individually? Rabbi Akiva said: Outside the yeshiva we are like fish out of water—because learning must be done with toil.

The Zohar says that before Mashiach comes, Eretz Yisrael will be beautiful, for it is unthinkable that Mashiach would come to reign over an empty land (see *Sanhedrin* 98a). In the last war they fired thousands of missiles at us. *HaKadosh Baruch Hu* says: If you walk in My statutes and toil in Torah, you will not need to do anything more than that. Today they shout "equality in the burden" (*shivyon banetel*), but whoever reads *Parashat Bechukotai* will see one simple thing: the burden is on *HaKadosh Baruch Hu* alone. He says that the first condition is that you toil in Torah, and I will do the rest—in security, in the economy and in everything. So why are they confusing everyone? Learn halachot and you will understand that it is forbidden to draft yeshiva bachurim! Now something new has started: they are taking yeshiva bachurim to prison. This never happened until now. *Rabbotai*, the *Shulchan Aruch* (*Y.D.* 243:6) states explicitly: "It is a great sin to disgrace *talmidei chachamim* or to hate them, and whoever disgraces the Sages has no share in the World to Come, and he is included in 'For he has scorned the word of Hashem'" (*Bamidbar* 15:31). Its source is the words of the *Rambam* (*Talmud Torah* 6:11), and the *Rambam* added there: "Yerushalayim was not destroyed"—after they had transgressed the three severe sins—"until they disgraced the *talmidei chachamim* in it, as it says (*Divrei HaYamim II* 36:16), 'But they mocked the messengers of God, scorned His words and derided His prophets'—meaning they scorned those who teach His words. And so too when the Torah says, 'If you despise My statutes'—you despise those who teach My statutes."

Today everything has been permitted, and they disgrace *talmidei chachamim*. What must we do? The poskim wrote that if you can prevent the disgrace, you are obligated to prevent it. Today they disgrace the Torah in a terrible way, and whoever does not vote is giving strength to the disgrace of *talmidei chachamim* and is held responsible for that same sin. Whoever thinks, "I'll sit at home and not vote," should know one thing: he is gambling with his World to Come! For he becomes a partner in the severe disgrace of *talmidei chachamim*. All the more so one who votes for other parties, of people who think "my strength and the might of my hand" [Itamar Ben Gvir and Smotrich]. He becomes their partner in the entire sin. And especially in these elections, where there is disgrace of *talmidei chachamim*, we are commanded to protest and stop them. If a person is a partner in the disgrace of *talmidei chachamim*, he has no share in the World to Come, because the World to Come is closeness to *HaKadosh Baruch Hu*, and if a person does not honor the Torah, how can he cleave to *HaKadosh Baruch Hu*? May Hashem help, and may we hear good tidings.

Meanwhile, the yeshiva bachurim are afraid to go out. If one of them breaks his hand in an accident, they are afraid to go to the police and file a complaint, lest they be taken to prison. Through this they atone for the entire generation. This is the clearest sign that Mashiach is near. Therefore, let us go vote, and influence others to vote as well.

When Maran zt"l decreed that I become a Knesset member, I was alarmed and cried out, "No..." I never raised my voice before the Rav—this was the only time. When Maran saw I had calmed down a little, he came close to me and said, "Whoever disputes his rabbi is like one who disputes the *Shechinah*..." I signed immediately that I would become a Knesset member. But it was hard for me, so I went to Chacham Ben Tzion Abba Shaul, and he said to me, "What is the question? Your Rav is Chacham Ovadia; whatever he tells you, do it, and do not turn from his words right or left." In protest of the disgrace of *talmidei chachamim*.

Remarks of Maran shlit"a:

Words of Torah need strengthening. *Chazak u'baruch* to his honor HaGaon Rabbi Moshe Maya; we strengthen his words. Certainly no one should think of sitting at home and not acting and not voting. If Chacham Ben Tzion, who in the past held that one should not vote, were in our generation, I am sure he would not say such a thing, seeing the decrees against the Torah world. If the left comes to power, everything could be lost—oh no. Therefore it is a mitzvah to listen to the Sages. Everyone should have pure intentions, *leshem Shamayim*. This coming Tuesday, not only vote Shas, but also act and get others to act. Everyone should think about whom he can influence—neighbors and so on. Sometimes there is some criticism and a person doesn't want to vote: why did they do this, why did they do that? Put it all aside and listen to the voice of the Sages. Once HaGaon Rabbi Maya—who was very close to my father and is one of the great sages of our generation—has spoken, it is a mitzvah to listen. May the merit of Maran protect all those who vote and those who work to get others to vote. We need to work hard, so that there will be a *kiddush Hashem*, and may we merit the complete redemption. Amen.