

## NOAH

### SHAS' RAV OVADIA: OMNIPRESENT "ABBA" LOOKS DOWN FROM ABOVE

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To those looking in from the outside, it was Rav Ovadia's "larger-than-life religious stature and learning, his Mizrahi ethnic pride, and, crucially, the identifiably Mizrahi garb in which he chose to clothe himself" that made him a potent symbol.<sup>1</sup> Such external observers could rightly claim that Rav Ovadia was a potent symbol for Mizrahi Jews and that he provided a "patina of authority, sanction, and mandate" for the Shas political party.<sup>2</sup> But to someone on the inside, these descriptions pale in comparison to the truth. Rav Ovadia, or "Maran" (Our Master), as he was known, was in body and soul the father and king (political leader) of Mizrahi Jewry, if not more.

Rav Ovadia's intellectual brilliance, deep humanity, striking charisma, and unwavering dedication to the cause made him a force of nature that shook both his followers and the Israeli body politic like few, if any others, ever have. He was *Koah Shas*—the rabbinic leader who knew all six orders of the Talmud (*sha"s*) and more; the father-figure who connected on a visceral level with even the lowliest of his followers; the cunning mind behind the creation and success of the Shas political party; and the leader of a strike force (literally a *koah*, in modern Hebrew) dedicated to remodeling Israeli society. To state, as Seidler-Feller did, that "Mizrahim should vote for Shas in today's election because it was the party of Rav Ovadia" is to miss the powerful emotion underlying such a request. For Shas is not merely a spiritual heir of Maran, but his reification. Maran created Shas and, to use a rabbinic phrase, when Shas speaks, Rav Ovadia's "lips are speaking from the grave" (*Berakhot* 31b).

R. Ovadia's father-figure role is evident in several Shas campaign posters, which indicate that the love of the Mizrahi Jews for R. Ovadia is not merely that of disciples for a sage, but of children for their father: "[Father is Gazing Down from on High](#)," "[Father, We Are Continuing in Your Path](#)" and "[We Are All Your Children](#)." Note that he is a loving but stern father, who makes demands from his flock.

<sup>1</sup> Shaul Seidler-Feller, "[Answer Us in the Merit of Our Master, Answer Us' An Election-Day Reflection on Mizrahi Haredi Political Culture](#)," *The Lehrhaus* (September 17, 2019)..

<sup>2</sup> Ibid.



The depth of this emotional attachment is quite palpable in the following posters: "[We love you, Maran, we are following your path](#)" and "[Who can stand idly by when Maran sheds tears?](#)"



The pathos in the following poster, in which Shas cries out in pain on R. Ovadia's behalf, is very poignant and most unusual in connection with a political leader. When some of R. Ovadia's conversations were posthumously publicized, his people cried out: ["Father, What Have They Done to You?"](#):



In this political poster Shas is giving expression to the genuine feelings that many Shasnikim have. Shas is not trying to manipulate its voters with cheap emotional tricks. The party is not merely taking advantage of "an attachment...no other scholar in the Sefardic world has been able to form."<sup>3</sup> The party and its adherents really feel this way. On a fundamental level, the rhetorical question the Shas party is asking when it invokes Rav Ovadia's image is, If you love and respect Rav Ovadia, your rabbi, leader, and father, how can you fail to continue his life's work? Vote Shas! The pull is highly emotional. In making its case, Shas remains true to the image Rav Ovadia cultivated throughout his life.

Indeed, Rav Ovadia fought like a lion for his people and refused to bow down to the Central Election Committee's (CEC) dictates or the Ashkenazi Haredi elite. He fought against what he perceived to be the biases of the CEC against religious parties, and he fought for the honor and dignity of the Mizrahi people and their culture against those who would assimilate them to the Ashkenazi culture. Eli Yishai (when he was Shas' leader) [likened Rav Ovadia](#)—who refused to bow to the dictates of Dorit Beinisch, the head of the CEC—to Mordechai the Jew. And, Rav Ovadia, in turn, [labelled](#) those in the Israeli government whom he perceived to be the enemies of Torah Judaism "Haman" and declared that "God would surely wipe (out their) name."

It would seem that all the Shas political party has to accomplish in its campaign advertising is to reiterate what its base already knows:

<sup>3</sup> Marc Shapiro, "Mi-Yosef ad Yosef Lo Kam ke-Yosef" *Meorot* 6:1 Shevat 5767, p. 3.

Shas, Rav Ovadia, and his people are one: one family, one entity, one body politic. Which is why it is somewhat surprising and disconcerting to find that Shas not only played the father and king cards, but has gone one—and, I will argue, even two—better in its attempt to leverage Rav Ovadia's patronage after his death. First, as Seidler-Feller asserts in his recent [Lehrhaus](#) piece, Rav Ovadia is not just "spiritually present, in his physical absence," sometimes he seems to be quite alive. That is not to say that anyone claims that Maran is actually alive (like Eliyahu the prophet)<sup>4</sup> and, to the best of my knowledge, no one claims he is the Messiah or will be resurrected before the rest of the dead,<sup>5</sup> but that when it comes to Rav Ovadia the line between life and death is blurred.

Indeed, emphasizing the reality of his death the following campaign poster declares that his people should respect his last request and that one should only vote Shas. In the background, to emphasize the point, is a montage of his death notices:



Another picture, graphically illustrating that Rav Ovadia is really dead identifies his people as orphans. His "children" are even cutting their shirts in a sign of mourning.



However, as Seidler-Feller notes, Rav Ovadia seems to be very much alive in the campaign posters and in videos where live footage from his talks is embedded. Indeed, the verse associated with Yosef the *Tzaddik*, "Yosef is still alive" ([Genesis 45:26](#)), was a central part of the 2015 Shas election campaign, appearing in its [campaign video](#) and in [campaign posters](#). Going even further, [one 2015 campaign video](#)

<sup>4</sup> One [poster](#) pulls on voters' heartstrings by reminding them that *Maran* has died and voting for Shas was his last request. Another [poster](#) loudly proclaims, "(We have been orphaned), and there is no father."

<sup>5</sup> In response to such claims regarding the Lubavitcher Rebbe, the [Times of Israel](#) notes that Rav Ovadia "respond[ed] to the fact that some of the [Lubavitcher] Rebbe's followers considered him the Messiah, [by asserting that] this was 'heresy and idol worship. He has fooled those around him into believing he is a god.'" So it is unlikely he would have countenanced such claims with regard to himself.

records Shasnikim singing “Rav Ovadia is alive and well (*hai vekayyam*).” While this verse has been adopted to figuratively describe many individuals called Yosef, and, even in this case, does not seem to have been meant literally, it does serve to blur the boundary. Crucially, it also conveys a poignant and pointed political message for those who can read between the lines, as the verse concludes “and he is the ruler of all of Egypt.” Like Yosef the son of Yaakov our patriarch, Rav Ovadia Yosef is alive and well, and will soon rule all the land.



The above poster, which includes the burning flame of a memorial candle and the verse fragment “Yosef is still alive,” proclaims this contradictory message in a starkly visual fashion. Blurring the line between life and death with memorial candles, at the Rav’s [funeral](#), supporters distributed hundreds of thousands of memorial candles emblazoned with the words, “We will walk in his light [=path]” and “Shas,” and his picture.<sup>6</sup> The flame conflates both life and death. His enduring power and his mortality.

The second step taken by Shas leaders is two-fold. First, the repeated assertion that Rav Ovadia’s halakhic rulings are God’s Torah, and second the visual and linguistic conflation of Rav Ovadia with God Himself. Shas does not, Heaven forbid, suggest that Rav Ovadia is actually God, but by using imagery and language that is stronger than mere campaign rhetoric would require, the party subtly and subliminally magnifies his authority and electoral power to divine dimensions.

With Rav Ovadia’s picture present on “every” street corner during the campaign (though not as ubiquitously as those of the Lubavitcher Rebbe), he is omnipresent. He sees all. In Shas literature, he is treated as seemingly infallible and omniscient. He knows all. A careful reading of Shas’ campaign material reveals that the party not only venerates R. Ovadia, but repeatedly conflates his Torah with God’s Torah and, more distressingly, even conflates him with the divine. The overall effect is stunning, and unexpected, given Rav Ovadia’s aforementioned disgust with the Lubavitcher Rebbe’s deification by his *hasidim*.<sup>7</sup> Indeed, Mark Lavie, a veteran journalist, has even argued that Rav Ovadia allowed his followers to turn him into a demigod during his lifetime.<sup>8</sup>

<sup>6</sup> This phrase also recalls the National Religious command to “Walk in his [Rav Avraham Yitzhak HaKohen Kook’s] light [=path, a play on words, given that Rav Kook’s books are entitled ‘Lights of...’]” and the well-known Israeli Memorial Day instructions placed in the mouths’ of the fallen soldiers: “In their deaths, they have commanded us to live.”

<sup>7</sup> David Shamah, “[Rav Ovadia Yosef; Outspoken Spiritual Leader of Israel Sephardi Jews Dies at 93](#),” *Times of Israel* (October 7 2013).

<sup>8</sup> While I am not sure that Mark Lavie’s claims are entirely valid, he has certainly honed in on a process of ongoing apotheosis: “It started

Why does Shas do this? It is clearly because this graded apotheosis provides R. Ovadia, especially in his death, with a powerful subliminal role in helping Shas continue to hold onto power, a goal that R. Ovadia would have most heartily approved of, even if he did not approve of the means. As to the means, to some degree, R. Ovadia might be responsible for this disturbing trend because he already engaged in a similar act of conflation in [2006](#), when he declared that “anyone who votes for this party [Shas] declares his belief in the Creator of the World.” The mathematical equation he is suggesting is that faithfulness to Shas and R. Ovadia equals faith in God! While, of course, many great rabbis have believed that they are uttering God’s word, usually this is coupled with some degree of humility. R. Ovadia’s certainty that this was the case, and his promise of eternal salvation for those who voted Shas, suggests that he had an unshakable belief in himself that made him—even in his own eyes—larger than life.<sup>9</sup> Personally, I doubt R. Ovadia intended this faith in him to go quite as far as Shas seems to be taking it, but he did introduce the equation of R. Ovadia’s words to God’s Torah. It is simply one more step for Shas to subtly conflate R. Ovadia with God.<sup>10</sup>

But how does Shas manages to accomplish this feat without being deemed blasphemous? First of all, Shas transmits this message subtly and always makes sure to offer the reader a more conventional interpretation of its words or visuals through the masterful use of ambiguity. Second, the message is subliminal. To get the message, you need to read between the lines, and like all good subliminal advertising, the messaging works whether or not the audience realizes what it is.

For instance, in the “Father is Gazing Down from On High” poster cited above, R. Ovadia looks down upon his people.

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going wrong when he allowed his followers to elevate him to a demigod and to try to prove that their interpretations were right and the Ashkenazi interpretations were wrong — instead of equally valid...

[the funeral] was an outpouring of grief... bordering on idolatry. A week after his death, his pictures are everywhere, even more than before.” (M. Lavie, “[Rav Ovadia: Good and Bad](#),” *Times of Israel* (October 14, 2013).

<sup>9</sup> Rav Ovadia’s unprecedented insistence on the primacy of the *Shulhan Arukh* as the law in the Land of Israel and his penchant to hardly ever “explain *why* the rejected opinion is wrong, or how its author has misread the Talmud or *rishonim*” in his responsa indicate how highly he thought of himself and his abilities. (See pages 9-15 in Shapiro, cited in note 3 above). While Rav Ovadia told his family, “I’ll make more mistakes. There is no individual who is immune to making mistakes. How can I otherwise reach 30,000 people?” He was referring to his misunderstandings of the audience, not to errors in his thought process. (Adina Bar Shalom, “[My Abba, Rav Ovadia](#)” *Jewish Action* (Fall 2014). )

<sup>10</sup> In the September 2019 election campaign jingle, the lyrics are “remember the Prince of the Torah, how much he commanded there be a strong Shas party” (52 seconds into the [video](#)). As these words are sung, Shas has a picture of Rav Ovadia superimposed upon Mount Sinai. This image presumably conflates Rav Ovadia with Moshe Rabbeinu, the only man who ever spoke to God face-to-face, and who, according to the *midrash*, even defeated the angels in an argument.



While Shas can simply claim that Rav Ovadia is benignly watching over his flock from above, clearly the phrase “Father is Gazing Down” is open to multiple meanings. What is more, without the context of R. Ovadia appearing in the poster, a more likely interpretation of the phrase would be “God, the Father, is Gazing Down from on High.” In fact, this phrase parallels [Deuteronomy 26:15](#): “Look forth from Thy holy habitation, from heaven.” In essence, R. Ovadia is gazing downwards just as God does. The language used to describe him parallels the language used to describe God in such a situation. And, conveniently, as we saw in the verse “Yosef is still alive,” the continuation of this verse is also salutary: “and bless Your nation, Israel.” Here too, the unspoken part of the verse promises a rosy future.

Curiously, the Hebrew word translated as “look forth” in the aforementioned verse is “*hashkifah*.” In modern Hebrew, the *mashkifim* (election observers) at the voting polls quite literally look out to ensure that no one is tampering with the voting. Thus, R. Ovadia, in modern parlance, is a *mashkif*, overseeing the purity of his people and their voting patterns, just as God is in the aforementioned verse. So while Shas is not openly claiming that R. Ovadia is, Heaven forbid, God, between the lines it is conflating the two.

For another instance of this trend, let’s take a look at the following [poster](#) employed in Bet Shemesh’s municipal elections in October 2013, shortly after Rav Ovadia’s passing:



The poster plainly states: “When you stand behind the veil [literally, the curtain surrounding the voting booth], you are not alone. Our Master is looking down on you from above with his pure eyes and scrutinizing the hand you have sent forth to [grasp] the ballot. Is this hand set to make a covenant of *shilumim* with him?”<sup>11</sup> The picture on

<sup>11</sup>The term “*berit shilumim*” is a curious one. Pinhas the priest is promised a “*berit shalom*” (covenant of peace) in [Numbers 25:12](#). However, “*shilumim*” may not be a variant of “*shalom*.” The word “*shilumim*” in Tanakh means “payment, compensation, or reward” (Yeshayahu 34:8, Hoshea 9:7, or even the payment of a bribe in Micah 7:3; see too Penitential Prayers, Day 5: - וּשְׁפָה בְּשִׁלּוּם פְּרִים - “and compensate [shilum] with your lips for the offerings”). The phrase “*berit shelomim*” (vowelized slightly differently) appears in the Penitential Prayers (sixth day; in another version, fifth Day): זָכַר בְּרִיתִי הַקֹּדֶם לְעַמְּךָ בְּרִיתִי שְׁלוֹמִים. אֵל מֶלֶךְ

the campaign poster places Rav Ovadia behind the veil in the voting booth with the voter, presumably looking downward over what would be the voter’s shoulder.<sup>12</sup> As noted above, Rav Ovadia is a *mashkif*, an election observer. It would be no surprise if a terrified and sensitive voter took this text at face value and voted Shas without further ado.

In order to understand how this caption subtly conflates Rav Ovadia with God, we need to examine the Hebrew text. Most importantly, the word “him” in the final sentence is ambiguous: “Is this hand set to make a covenant of *shilumim* with him?” First, since there is no capitalization in Hebrew, the text could very well be referring to Him, the Master of the Universe,<sup>13</sup> especially since the term covenant—*berit*—is used. The use of the term covenant to describe the relationship between God and the patriarchs, and between God and the Jewish people, is ubiquitous. Here, the covenant is between the people and Rav Ovadia. Second, the verb “scrutinize”—*bohen*—used

יוֹשֵׁב עַל כִּפָּא רְהִמִים: The parallelism seems to indicate that the phrase means the “covenant made with those who were perfect” [the second strophe echoing the first strophe: “the covenant of loving-kindness of the Jewish people’s ancestors”]. It might also mean a “a covenant of peace.”

<sup>12</sup> The legal safeguards put in place to ensure that people can vote their conscience without fear trumps almost all other considerations. By Israeli law, only “a voter who is physically unable to place the voting slip into the envelope is allowed to have an escort with them at the ballot. The escort must provide ID to the ballot committee secretary, and his / her details will be recorded in the protocol.” Even people who are cognitively impaired must place their ballots in the envelope by themselves. [https://bechiro21.bechiro21.gov.il/election/english/Pages/FAQ\\_eng.aspx](https://bechiro21.bechiro21.gov.il/election/english/Pages/FAQ_eng.aspx) Thus, we might wonder at this poster which seems to place Rav Ovadia in the ballot booth. While we all know that Rav Ovadia (even as God’s representative) is not actually in the booth, the fact that the poster uses visual imagery designed to make the voters feel as if Rav Ovadia is there with them seems to breach the privacy demanded by the law. This privacy is the basis for the concept of “voting one’s conscience,” so an election poster which undermines this should theoretically be banned. Unbeknownst to me when I first wrote this paper, this argument was actually made by a Haredi women’s list “In their merit – Haredi Women Make a Difference” to the CEC with regard to [another Shas campaign poster](#). It was rejected because the committee chose to view the poster’s message as sufficiently open to other interpretations, or, in other words, sufficiently ambiguous.

<sup>13</sup> For another instance of this ambiguity, see a 2013 Bet Shemesh election advertisement (*Medah be-Ramah*, 14 Heshvan 5774--18/10/13, pp. 56-57) where the words “Yitgadal ve-Yitkadesh Shemo Yitbarach” (Magnified and Sanctified be His Blessed Name) are followed by the words “the Jewish [sic] answer to Lapid-Bennett and Eli Cohen” and a yellow ballot with the name of the Shas mayoral candidate Moshe Abutbul. The opening phrase would normally refer to God; however, since there is no antecedent to “His Name” on the poster (and “shemo/his name” is not capitalized in Hebrew), it could just as likely refer to “Moshe Abutbul”—the name following this declaration. Indeed, another advertisement (on the following page) that explicitly states “A Sanctification of Hashem” at the top of the page and then places the exact same “Yitgadal ve-Yitkadesh” montage as a banner at the bottom of the page highlights how open *shemo* is to multiple interpretations in the first advertisement.

to refer to Rav Ovadia's actions here, is borrowed from Jeremiah 17:10—where God is described as *"hoker ha-lev u-bohen kelayot"* (scrutinizing the kidney and the heart)—and used repeatedly on Rosh Hashanah, the Day of Judgment when God scrutinizes every human being. Third, the use of the term "veil" (*pargod*)—which the Talmud describes as a curtain dividing the inner or higher court of the heavens from the outer and more accessible celestial areas (*Berakhot* 18b; *Bava Metzia* 59a; *Pirkei de-Rabbi Eliezer*, Chap. 4)—suggests that when one enters the voting booth, one also enters the heavenly realm where the real decisions are vetted and made. So in this poster, by using ambiguous and suggestive language, Shas cleverly conflates Rav Ovadia—who has a covenant with his people—with God, who speaks from behind the *pargod* and has a covenant with His.<sup>14</sup> Rav Ovadia appears in every voting booth. He is omnipresent.

Another singular example of this phenomenon is the following poster, unfurled no later than 2014:



Here, a gigantic Rav Ovadia literally floats above the Western Wall, as he hovers over or stands on the Temple Mount. The Jewish tradition usually reports that God's presence hovers over the Temple Mount, not that of a specific rabbi. On the surface level the picture is unexceptional, but on a subliminal one it is dynamite. The *Shekhinah* and Rav Ovadia seem to be one.

Curiously, in "Father is Gazing Down from On High," discussed above, Rav Ovadia is peering down from the edge of a white stone wall that could very well be the Western Wall. The picture is similar to many others that depict a mass of black-garbed Haredim praying at the Western Wall. The only difference is that Rav Ovadia is peering down from the top of the wall, standing on what seems to be the Temple Mount, and his loyal minions seem to be praying up toward him

Likewise, during the 2015 election campaign, Eli Yishai campaigned as Rav Ovadia's true successor and most loyal servant. To make this absolutely clear, he applied God's approbation for Moshe to himself: "he is trusted in all my house" (*Numbers 12:7*). In [making this analogy](#), Yishai, intentionally or not, was implicitly characterizing

<sup>14</sup> Note that at the bottom of the poster, the voters are charged with fulfilling Rav Ovadia's last will and testament, voting Shas. This is a very emotional charge, coming within a week-and-a-half of his death.

himself as Moshe to Rav Ovadia's God. Curiously, as Yishai is reminding the voters, during his lifetime, Rav Ovadia had used this phrase to describe Yishai, thus consciously or not placing himself in the role of the divine:



A poster we examined above played an over-sized role, in the first election cycle in 2019, as Shas put up gigantic billboards of the following nature:



These billboards were so powerful that [a petition](#) was actually made to the CEC arguing that "the combination of R. Ovadia's image with the language on these posters was intended to terrify the voters and is a blatant attempt to give them the feeling that their vote is not secret and is cast in the sight of the one looking down from above." The CEC [rejected](#) the petition arguing that even though the poster could be interpreted this way, it might also be interpreted to simply mean that Shas is claiming that it is following in Rav Ovadia's path. (Here, Shas again used ambiguity to its advantage.) I do wonder whether the CEC understood the mindset of Shas voters well enough to rule in this particular case. The Haredi petitioners who objected to this poster clearly would agree with my reading of the Beit Shemesh poster as bullying voters, and had this occurred to the CEC or the petitioners, they would presumably have been even more horrified at the subliminal message that Rav Ovadia, as God, or in His stead, scrutinizes the voters.

The following [poster](#) from the 2019 election cycle again uses the key word "veil" (*pargod*) to conflate the judgment that takes place in heaven beyond the veil and the voting booth. Here, the poster states that "Beyond the veil, we only do what Hashem wants" and then, without syntactically completing the sentence, declares in enormous red letters—Voting Shas—alongside of a picture of R. Ovadia. This syntactical incompleteness again allows for an ambiguous reading of the poster—the letters in blue and the letters in red are not necessarily related—which would protect Shas from CEC petitions. The reader has to imagine and process the connection between doing what Hashem wants and voting Shas. In this poster, Rav Ovadia, who now inhabits the world beyond the veil, is minimally God's mouthpiece, and is certainly imbued with his spirit. Indeed, it is almost as if Shas has taken advantage of Rav Ovadia's death to turn him into an omniscient figure who actually knows what is going on beyond the veil, but still speaks to us through the Shas movement he founded.



Over the years, as I have demonstrated, Shas has made the CEC work overtime trying to define exactly what can and cannot be promised or said.<sup>15</sup> In fact, the clever truncation of the phrase, “Maran promised,” in the recently released campaign poster (reproduced below) and [video](#), which fails to mention what Rav Ovadia promised, again uses a syntactical break to force the reader to imagine what the opening phrase means. This technique may be a function of Shas’ desire to avoid censure by the CEC, which in [2006](#) explicitly outlawed the reward probably promised here: Gan Eden for Shas voters.



However, it also functions to force the reader to engage with the text and really absorb it. The reader must process what the promise really is. Note that here again, Shas resorts to ambiguity to both conflate and obscure its message: What did Maran promise? Is this the *shofar* to be blown on Rosh Hashanah or the *shofar* to be blown at the End of Days, or both? What judgment day are we referring to? Is the *petek* a ballot or a traditional *pitka* (note) placed in the Kotel, or both? Is Maran taking God’s place and deciding who receives Gan Eden? While this ambiguity might prevent the uninitiated from the Central Elections Committee from banning the poster, the *Times of Israel* concurs with my reading of the phrase in an [article](#) artfully entitled: “[Ultra-Orthodox Parties Weaponize Afterlife for Get-Out-The-Vote Campaign.](#)” R. Ovadia’s argument in the accompanying election video (1:59-2:07)—you have built ritual baths and study houses by voting Shas because ‘A person’s agent is like himself’ [[Kiddushin 41b](#) and elsewhere]—substantiates this reading, since this was almost [exactly the same logic](#) Rav Ovadia used in 2006 when he promised Gan Eden to Shas voters at a Tel Aviv rally. In fact, it would

<sup>15</sup> Likewise giving out amulets to voters is illegal, but this has not deterred Shas. In 2013, the *Times of Israel* [reported](#) that “The Central Elections Committee fined the Shas party NIS 37,000... for distributing amulets and blessings as part of its elections propaganda.... ‘a glaring infraction’ of the injunction against using blessings and religious items in political campaigns.” Apparently, Shas has been at it again during [the current election cycle](#). The legality of the assertion that “it is a *mitzvah* to vote Shas” has also been [hotly debated](#) over the years. While R. Ovadia as a halakhic decisor had the authority to assert that such was the case, pointing this out to the voters (along with the implicit reward for *mitzvot*) was [challenged in court](#) by Meretz.

be interesting to ascertain whether the recording of R. Ovadia used in the video was made at that time.

Also corroborating this reading are two [2019 Shas posters](#) that explicitly declare that “A person’s agent is like himself” without providing any clue to what that statement might mean in the context of a campaign poster.



Clearly, this phrase—“Vote for Maran! ‘A person’s agent is like himself’”—has become a meme that has specific meaning to those initiated in its secret. If you vote Shas, the party becomes your emissary, the good it does is accredited to you, and you merit eternal salvation. However, the corollary of this meme would be that since Maran is God’s agent, he is conflated with Him. In the banner pictured above (but not in the other similar poster [which appears 33 seconds into this [video](#)]), the second line reads: The judge’s agent is like the judge and Maran’s agents and their agents are like Maran.<sup>16</sup> God is clearly the Judge, par excellence, so that would mean that this banner is explicitly conflating Maran with God—“God’s agent is like God”—and Maran’s agents are like him—or, should I say, Him, by extension? By following the Shas party line Israeli voters have the rare opportunity of not only following God’s will, but even of conflating themselves with R. Ovadia and, perhaps, Hashem, a pretty good reason to Vote Shas.

Curiously, one of Shas’ most outspoken opponents in recent years has been Rav Ovadia’s eldest daughter, Rabbanit Adina Bar-Shalom. In [March 2018](#) she went so far as to say, “If it were up to me, Shas would be history today.” While she has her own personal and ideological bones to pick with the current direction Shas is taking,<sup>17</sup> maybe she also feels that a crucial side of her father’s persona is being forgotten or even erased. She sees it as her sacred task to ensure that the father she knew--the real Maran--lives on.

<sup>16</sup> Ironically, some impute the growth of Chabad *sheluhim* today to the latter logic: by fulfilling the mission of the Rebbe, the *sheluhim* become like him. Since the Rebbe’s demise, this provides them with the optimal, if not the only, way of truly coming close to him.

<sup>17</sup> Rav Ovadia supported Bar-Shalom’s founding of the Haredi College of Jerusalem, which Aryeh Deri did not fight to save.

## RABBINIC MORAL PSYCHOLOGY

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The origins of moral thinking and behavior have been a perennial source of dispute. In these discussions, two distinct questions arise. First, one can inquire whether moral standards are universal in nature or reflect local cultural conditions. An independent issue is the source of morality—can it be derived in a purely intellectual manner or does it rely on instinct/intuition? In this essay, I will focus on the second problem and argue that Rabbinic moral psychology presents a more complex picture that incorporates a feedback loop connecting reason and passion.

Expanding on this issue, there are two competing theories for the source of morality. One line of thinking asserts that human beings possess the ability to discern moral behavior through the use of their rational capacity<sup>18,19</sup>. The alternative is to give priority to human passions and to recognize that rational thought and justification come after nearly automatic, pre-cognitive mental processes.

An instinctive basis for moral behavior has found recent expression in two distinct but overlapping formulations. Leon Kass has emphasized the importance of feelings of repugnance as a final line of defense in defining immoral behavior in modern contexts where established rules and guidelines seem to be thinning out and provide weak defense against unethical activity<sup>20</sup>. The “yuck factor” is a term that Arthur Caplan has coined to viscerally describe our reaction when encountering something violating our moral sensibility<sup>21</sup>. Like Potter Stewart on pornography (*Jacobellis v. Ohio*, 378 U.S. 184 (1964)), neither Kass nor Caplan offer a strict definition of repugnance or the yuck factor. Instead, they appeal to a gut feeling that says something is very wrong and should prompt behavior to correct it, what we would then call moral action.

Jonathan Haidt, in *The Righteous Mind*, comes down strongly on the side of instinct driving intellectual rationalization for behavior<sup>22</sup>. Superimposed intellectual adaptations can overlay instinct, restrain our selfish inclinations and channel them in ways that enable social groups to survive. However, they do not aim to alter our fundamental impulses. Haidt’s extensive psychological research studies, in widely varying settings, lend strong experimental support to this conclusion. He demonstrates how a variety of moral foundations including equality, authority, and sacral notions can be mobilized to promote and support moral group behaviors that maintain community health and function. The process is depicted as unidirectional—intuitive reactions foster rationalizations that generate communal rules that support the desired group behavior. Again, the implication is that the automatic instantaneous, non-thinking reactions, while they may be dampened, are not changed by rational thought. I suggest that the

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<sup>18</sup> Carlos Fraenkel, *Philosophical Religions from Plato to Spinoza: Reason, Religion, and Autonomy* (Cambridge: Cambridge University Press, 2012).

<sup>19</sup> Howard Kreisel H, *Maimonides’ Political Thought: Studies in Ethics, Law and the Human Ideal*, (New York: SUNY Press, 1999).

<sup>20</sup> Leon Kass, “The Wisdom of Repugnance,” *The New Republic*, June 2, 1997; 17–26.

<sup>21</sup> Charles W. Schmidt, “The Yuck Factor: When Disgust Meets Discovery,” *Environmental Health Perspectives* 116 (December 2018): A524–A527.

<sup>22</sup> Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Pantheon, 2012).

legal code and moral foundations in the Torah and Rabbinic thought challenge this simple formulation. They embrace a bidirectional interaction between reason and passion, with each of these psychological components serially modulating and modifying human behavior towards a feasible moral goal.

There is always a concern for anachronistic thinking when applying terms used in the intellectual parlance of 2019 to people who lived two millennia ago. Terms like yuck factor and group selection are not in the Rabbinic lexicon. However, I would suggest that the ancient Jewish law recognized the importance of human factors—instinctive, impulsive, and emotional in nature—in defining the content and enforcement of the legal code that they considered revealed by God at Sinai. At times, the Rabbis modulated these non-rational behaviors and at other times they tried to alter and redirect them towards more intellectually sound practice.

For most people living on the planet today, child sacrifice would provoke revulsion, an instinctive reaction that it is terribly wrong and should never be done. It would violate all notions of morality. The Torah articulates a different standard. According to most of the biblical commentators, the purpose of the *Akeida* (binding of Isaac) was not to have Abraham obey the command to sacrifice his son but rather to serve as a challenge, extreme to be sure, to his religious faith in God<sup>23</sup>. The angel unequivocally calls out to him to spare his son (Genesis 22:11–12). Abraham responds immediately in the next verse by spotting the ram caught in the in the underbrush and sacrificing the animal instead. The Torah explicitly prohibits the cultic practice of Moloch which centered on child sacrifice (Leviticus 20:3).

We cannot enter the minds of people living 4,000 years ago and we cannot know whether child sacrifice was thought to be a reasonable and necessary act to appease the gods and prevent greater harm to the community. Nevertheless, these texts do indicate that in ancient times, it did not trigger the same abhorrent feelings that we experience at the thought of killing a child. Today it is inconceivable to kill a child for any reason. True stories from the Holocaust, along with novels like William Styron’s *Sophie’s Choice*<sup>24</sup> portray the psychic costs of this repugnant act. The Torah mandated a new moral standard and made the rational assertion that, while obedience to divine command was the measure of religious commitment, heteronomy did not extend to killing a child. This represented an educational move to alter people’s instinctive reaction and to provoke feelings of repugnance when confronted by the practice of child sacrifice.

In a similar vein, in Leviticus (Chapter 20) the Torah prohibits a long list of sexual relations, some of which are described as abominations. This choice of words sounds like the Torah is basing itself on an instinctive aversion to these acts. But according to Maimonides there was a rational purpose, namely to force men to alter their nature, prevent abuse of women to whom they had easy access, and establish more permanent family ties to wife and children (*Guide for the Perplexed*, 3:49). In Deuteronomy, Chapter 21, the law addresses the circumstance of a soldier who becomes infatuated with a woman captured in war. The instinctive response was to take full advantage of the conqueror’s status and ravage the captive. But the law mandates a separation period to defuse the urge to hurt the woman and encourage the formation of a more stable marital relationship. In this instance, this alternative is an improvement on the behavior of the time but still falls short of modern moral sensibilities. In each of

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<sup>23</sup> See <https://thetorah.com/maimonidean-akedah/>.

<sup>24</sup> William Styron, *Sophie’s Choice* (New York: Random House, 1979).

these two circumstances, the Torah is providing an intellectual basis for transforming what had previously been considered normal operating procedure for men and women—no restrictions on sexual intercourse, raping women captured in war—into one that would trigger the yuck factor. In all of the cases, there is an intellectual justification upstream of an intuitive reaction that is formulated to change what is considered revolting and the altering the received passions.

Does the Rabbinic literature present a similar picture in which the law is promulgated in opposition to what would be considered the instinctive behavior? The answer is yes and the formulation of the response occurs in two steps. To start, the Rabbis did not view their intricate legal code to be static and unresponsive to human input. In her innovative book, *What's Divine about Divine Law? Early Perspectives*, Christine Hayes compares the Greek and Rabbinic conceptions of divine law<sup>25</sup>. For the Greeks, what made divine law divine was its correspondence to absolute truth, its unchanging character, and its universal applicability. Hayes shows how the Rabbis challenged each of these characteristics and welcomed human partnership in the formulation and practice of divine law. Her examples include the famous confrontation between Rabban Gamliel and Rabbi Yehoshua about the date of the New Year (*Rosh Hashanah* 25a). Rabban Gamliel felt empowered to declare the date of the sighting of the new moon and to ignore any contradictory facts. This is consistent with authorization given to the people through their judicial institutions to define the timing of *Rosh Hodesh* (the new month) (Exodus Chapter 12:1–2, a law that is brought to life in the aforementioned Gemara). Correspondence to absolute celestial truth was not the determinative factor. His word as *nasi* (leader of the Sanhedrin *ha-gadol*—Jewish High Court) was final and Rabbi Yehoshua was obliged to abide by the artificial calendar against his reasoned assessment of the astronomical facts.

The requirement for *kavana* (knowledge that one is performing a Mitzvah) as a necessary factor for fulfilling specific mitzvot (see Rosh Ha-shana 28a–29a, Pesachim 114b, et al.) underscores, according to Hayes, Rabbinic nominalism, namely that there is no mind-independent reality for religious objects or practices. A person's mental state can convert an action or an item from secular to holy. Even recognizing that the requirement for *kavana* is debated and far from uniform for all mitzvot, and regardless of whether one goes as far as Hayes does in her assertion, the impact of *kavana* clearly introduces a human element into the formulation of legal concepts, in contrast with the Greco-Roman view of the unchanging nature of divine law.

The expressions of the uniqueness of Jewish people throughout the Talmud fly in the face of the universality of the law. Hayes asserts that the Rabbis were of the mind that there is variation in people's temperament and attitudes and that this is reflected in differences in the legal code and level of obligation between Jews and gentiles. She cites numerous cases in which the Rabbis altered the law based on what they thought was the best way to read and reify the cryptic Torah text. These amendments to Torah law were often an explicit acknowledgement that human instinctive reactions need to be taken into account to ensure stability and applicability of religious law. Not all of these points relate directly to the question at hand, namely, the source of morality. However, taken together, Hayes' evidence that the Rabbinic conception of divine law embraced human input and undermined the three aspects (correspondence to truth, unchanging

nature, and universality) that defined the Greco-Roman view creates an opening for a more complex picture of the development of moral psychology. It thus provides a foundation for the unique Rabbinic formulation of moral psychology.

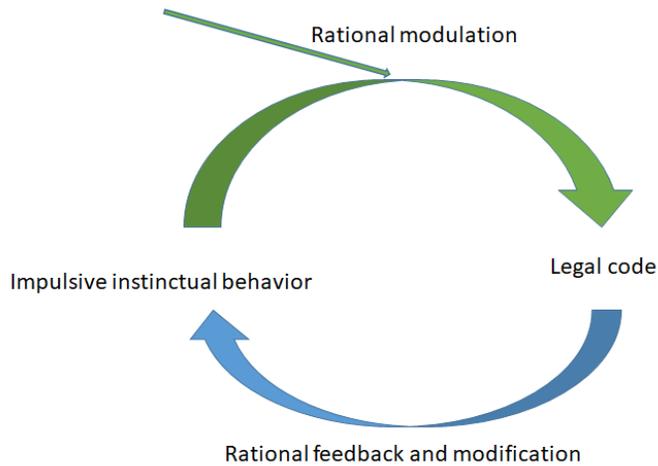
In a second step, Rabbinic used their divinely sanctioned human input to steer previously acceptable instinctive behavior back to a more intellectually grounded, morally reasoned plane. The plain reading of the sentence in Shemot (Chapter 21), "an eye for an eye, tooth for a tooth, hand for hand, foot for foot" indicates that this was how justice was meted out after unwanted physical injury. But the Rabbis rejected this notion (*Bava Kama* 83a–84b). After much effort to logically justify the replacement of *lex talionis* that was likely the accepted practice in courts of surrounding cultures with the financial restitution that was the standard in Jewish courts, the Rabbis conclude it is *svara*, the rational conclusion. Similarly, the impulsive reaction to the accidental murder of a family member is anger and immediate retaliation. The extensive laws outlined in the second chapter of *Masekhet Makot* are designed to convert the prevailing culture from one that supported revenge-killing to one that protected a person who committed manslaughter.

Another example is the enactment of the *prozbul*, a rabbinic response to the immediate reluctance that creditors would feel if asked to loan money close to the end of the seven-year *shemita* (sabbatical) cycle and face potential loss of repayment (*Gittin* 37a, *Yevamot* 89b–90b). A person's passionate attachment to his/her money needed to be accounted for in drafting practical legislation. But the ultimate goal was to ensure that people will not act on selfish impulses and deny credit to those in need of financial aid. Finally, all of the *takanot* (enactments) of Rabban Gamliel, detailed in *Masechet Gittin*, Chapter 4, which limit the options of husbands to inflict senseless harm on their wives during divorce proceedings, acknowledge the need to intellectually modify the destructive force of people's instinctive reaction to insult and personal affronts.

The focus of this essay has been on the processes involved in the formulation of law, a complicated, multidimensional process. In any legal code, including the *halakha*, there are clearly rational laws, as well as others that openly accommodate people's impulsive, non-rational behavior. In addition, there are some composite laws that engage both elements. For Haidt, the primary force in the construction of the vast majority of the remaining laws is instinctive behaviors coated with a modulating intellectual veneer (green lines in the figure). His view of this impulsive behavior is nuanced, and he defines six discrete domains that are foundational in people's response and delineation of moral behavior—care, fairness, loyalty, authority, sanctity and liberty. He emphasizes this in his efforts to promote greater openness to understanding the variety of responses. But instinct and non-rational thought predominate, and can only be controlled, not changed. I suggest that one formative element is missing that is prominent in Rabbinic thinking, namely a category of laws that aims not simply to control but to convert instinct to reasoned behavior (blue lines in the figure).

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<sup>25</sup> Christine Hayes, *What's Divine about Divine Law? Early Perspectives* (New York: Princeton University Press, 2015).



I would go farther and advocate for a view of Rabbinic jurisprudence as a comprehensive feedback loop system in which reason can frame instinctive responses which then can modify rational law and accommodate human impulses. This circular loop links reason and passion in an adaptive system that ideally would be self-correcting. This arrangement is similar to nearly all biological processes that modulate body homeostasis. It gives new meaning to the phrase, sound body and sound mind. It is a conception of moral psychology that is neither too lofty so that man is unrecognizable or too low to make him/her indistinguishable from other creatures. The Rabbinic conception of religious law and moral behavior is a servo-nulling mechanism, “an automatic device that uses error-sensing negative feedback to correct the action of a mechanism.” It adjusts human passion and reason to achieve a legal code that presents human beings the best opportunity to live lives in accord with the divine will.

In conclusion, moral psychologists like Jonathan Haidt are right in their emphasis on the key role of immediate intuitive passions versus rational thought in guiding the formulation of ethical codes and religious practice. I am disinclined to place relative percentages on the contribution of these “fast and slow” mental systems to the development of human morality<sup>26</sup>. Instead, I would incorporate Christine Hayes’ insights about the premium the Rabbis placed on the human input into the divine Torah law.

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<sup>26</sup> Daniel Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus and Giroux, 2011).