

Bridging Traditions
Demystifying Differences Between
Sephardic and Ashkenazic Jews



Haim Jachter

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DEMYSTIFYING DIFFERENCES
BETWEEN SEPHARDIC
AND ASHKENAZIC JEWS

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In Loving Memory and Honor of

Albert Allen

אברהם בן סלחא ע"ה

Mr. Albert Allen was born in Cairo, Egypt, and was dedicated to supporting and furthering Jewish causes. A founding member and gabbai of the Sephardic Minyan of Englewood, NJ, he was also involved in many other Jewish organizations including Yeshiva University, Yeshiva of North Jersey, Congregation Ahavath Torah of Englewood, NJ, and the Jewish Outreach Network. His endeavors were conducted with warmth, wisdom and generosity. He is greatly missed by his family and all who came in contact with him.

Dedicated by

The Allen Family

Charles and Julie Fleischer

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In Loving Memory and Honor of

Sandra D. Bodenheimer
רוחמה סיילה בת החבר בנימין

*and as an expression of gratitude
to the Ribbono Shel Olam.*

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In Honor of

Congregation Shaarei Orah,
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An oasis of love for and dedication to Sephardic life
that has brought great fulfillment and joy to countless
individuals and families. May our beloved Kehillah continue
to grow and flourish with Hashem's bountiful Berachot.

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141-41 72ND AVENUE | FLUSHING, NY 11367
718.261.0101

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Rabbi Menachem Genack, CEO of OU Kosher, General Editor of OU Press, and Rabbi of Congregation Shomrei Emunah, Englewood, NJ



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נס"ד

Rabbi Shmuel Khoshkeraman

1340 Holly Lane
Atlanta, GA 30329

Home Phone (404) 636-0468
Study (404) 315-9020
Fax (404) 315-8829

ב תמוז תש"פ

בן ראות' ח'קור לאוני א'רנ, ג'טם Briding Traditions א'כר ט'גנו ומ'ג
כ'ספ'ר'ט ש'ח'ר י'פ'צ' נ'ר'וט ר'י ח'י'מ ע'י'ק'ט'ר פ'ל'ט'א ר'ג כ'ד'ך
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מ'א'ל'כ כ'כ'ל א'י'כ א'י'מ'כ ו'ל'א ר'א'י'ת ס'פ'ר כ'צ'ל ג'ש'פ'ר'י א'ל'ע'א'ת ש'כ'א'כ
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נ'י'ס'פ'ר'כ'ט כ'א'ש'ו'ן ק'ל ו'צ'ח. ע'כ'ב ר'א'ו' מ'י'א'ל'כ כ'ש'ג'ת א'ר כ'ד'י'ב נ'ר'ג נ'ע'מ'ק'ר
ש'ח'י' ש'ו'א'ו כ'כ'ל'כ מ'ע'כ'י נ'יר'ג'י'ט, ו'ד'ק'ר א'ד ע'ש'נו ל'ע'מ'א ש'כ'א'מ'ו א'ר'ע'ו
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כ'כ'ד'ו'ת ת'ר'ו'ו ו'ל'מ'ע'ו'ו
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Rabbi Mordechai Lebhbar, Rosh Kollel of Los Angeles
Intercommunity Kollel*

בט"ו



Los Angeles Intercommunity Kollel

1453 S. Robertson Blvd • Los Angeles, CA 90035
(310) 470- 5465 • Fax: (310) 421-9136 • www.linkla.org

Dean
Rabbi Asher Brander

Rosh Kollel
Rabbi Mordechai Lebhbar

Outreach Director
Rabbi Eli Stern

מכתב ברכה

In great joy, I received from my esteemed friend, Rabbi Haim Jachter *Shlit"u*, member of the Bet Din of Elizabeth, N.J. and Rabbi of Shaari Orah Congregation, his new book, Bridging Traditions. Rabbi Jachter certainly does not need any introduction in the world of halacha and definitely not from me, as his teachings are well-known and respected.

This book fulfills a critical niche in halachic literature in the very unique circumstances that we find ourselves in today. Sephardim are often uninformed in halachic practice, as their exposure to the overwhelming majority of practices is based on the Ashkenazi Poskim. It is thus a significant contribution to the English-speaking Sephardic community that Rabbi Jachter has compiled and elucidated the different halachic issues that are encountered on a day to day basis.

One of the primary misconceptions is that all Sephardim basically share identical customs. This claim obviously stems from a lack of knowledge. Just as it is understood that Hungarian and German Jews have different practices, the same is true for Sephardim. Jews from Middle Eastern countries (*Edut Hamizrach*) have a very different approach to halacha than Jews originating from Spain (and exiled to North Africa, Greece, Turkey) - *Sephardim*. The common uniter is that all Sephardim follow the *Shulchan Aruch*. However, details may differ based on the degree of Kabbalistic influence, local established customs, and *klalei hapsak* - all of which may account for huge discrepancies in these areas. This book addresses these concerns, and the reader will find clarity in the explanations of the differences between the different *edot* in this confusing but vital subject.

We thank Rabbi Jachter for bringing to the English readership a true masterpiece on a subject that begs for clarity and elucidation.

Mordechai Lebhbar

Tammuz Yahe"l 5780

Los Angeles

*Editor's Note: Rabbi Lebhbar's comments on *Bridging Traditions*, which accompanied his *Michtav Beracha*, can be found in Appendix A.

Contents

<i>Acknowledgments</i>	xxi
<i>Introduction</i>	xxv

TEFILLA

1. <i>Synagogue Conformity: An Exploration of Lo Titgodedu</i>	3
2. <i>Kaddish – Sitting or Standing?</i>	11
3. <i>Ḥochma Bina VaDa'at or De'ah Bina V'Haskel?</i>	16
4. <i>Machnia Zedim or Machnia Minim</i>	19
5. <i>HaNoten LaYa'ef Ko'ah</i>	22
6. <i>Nefilat Apayim</i>	25
7. <i>Pronunciation of Hashem's Name</i>	29
8. <i>The Attraction of Morid HaTal</i>	33
9. <i>Counting a Katan Towards a Minyan and Zimun</i>	37
10. <i>Different Conclusions of Wednesday's Shir Shel Yom</i>	42
11. <i>V'Yatzmah Purkaneh V'Karev Meshiḥeh</i>	46

BET KENESSET

12. *Ashkenazic Single Men Without a Tallit at a Sephardic Congregation*..... 53
13. *The Special Spiritual Energy at Sephardic Tefilla*..... 57

TEFILLIN

14. *Rabbenu Tam's Tefillin*..... 63
15. *Berachot on Tefillin at a Sephardic Bet Keneset*..... 69

BIRKAT KOHANIM

16. *An Ashkenazic Kohen Visiting a Sephardic Kehilla*..... 75
17. *Who Begins Birkat Kohanim?* 80

KERI'AT HATORAH

18. *Standing or Sitting for Keri'at HaTorah?*..... 87
19. *B'Simana Tava on Simḥat Torah* 90
20. *Amen After the Berachot of the Haftara* 93
21. *The Haftara of Parashat Shemot*..... 96
22. *Hashem Imachem* 99

BERACHOT

23. *The Beracha on Matza*..... 105
24. *The Question of Egg Ḥalla* 109
25. *Earliest Time for Birkat HaLevana* 114

26. *Women Reciting a Beracha on Mitzvot Aseh SheHaZeman Gerama*118
27. *Responding Baruch Hu UVaruch Shemo*123

B'RIT MILA

28. *The Beracha of L'Hachniso B'Vrito shel Avraham Avinu*131
29. *Shehehiyanu at a B'rit Mila*135
30. *Delayed B'rit Mila on Thursday or Friday*137

SHABBAT

31. *The Timing of the Beracha on Shabbat Candle-Lighting* 145
32. *A Guest Lighting Shabbat Candles*152
33. *Warming Food on Shabbat Sephardic-Style* 156
34. *Save the Hamin!* 160
35. *Clapping on Shabbat*163
36. *May a Sephardic Jew Rely on a Community Eruv?* 166
37. *Eruv Standards According to Sephardic Measurements*171
38. *A Sephardic Approach to the International Dateline* 176

YOM TOV

39. *A Beracha on Hatzi Hallel*183
40. *Tefillin on Hol HaMo'ed* 187
41. *Visitors to Israel and Yom Tov Sheni* 192

42. *Early Acceptance of the Second Day of Yom Tov* 196

YAMIM NORA'IM

43. *Forty Days of Selihot* 203
44. *Honi HaMa'agel: A Hero to Sephardic Jews* 207
45. *Forgetting HaMelech HaMishpat* 210
46. *Sephardic Tekiat Shofar* 214
47. *Avinu Malkenu on Shabbat* 217

SUKKOT

48. *Rain on the First Night of Sukkot* 223
49. *Differences Between Sephardic and
Ashkenazic Na'anuim* 226

PESAḤ

50. *Kitniyot and Eating Out on Pesah* 231
51. *Matza Ashira: Serving Egg
Matza to Ashkenazim* 236
52. *Soft Matza for Sephardim and
for Ashkenazim* 240
53. *Glass Utensils* 244
54. *Sephardic Jews Hosting Ashkenazim on
Pesah: A Summary* 251
55. *Hallel During Arvit of the
First Night of Pesah* 253
56. *Yehalelucha at the Seder* 258

SHAVUOT

57. *Early Start to the First Night of Shavuot* 265
 58. *Standing or Sitting for the Aseret HaDibrot?* 268

ḤANUKKA AND PURIM

59. *Yeshiva and University Students Lighting Ḥanukka Candles* 273
 60. *Birkat Kohanim in Ḥanukka Keriat HaTorah* 277
 61. *Where the Rambam Lives (Especially on Purim)!* 281
 62. *My Favorite Sephardic Purim Practice:
 The King Could Not Sleep* 284

LAG B'OMER

63. *Haircut Day* 289

FAST DAYS, THREE WEEKS, NINE DAYS, AND TISHA B'AV

64. *The Three Weeks and Nine Days Sephardic-Style* 295
 65. *Anenu on a Ta'anit Tzibur* 298
 66. *Naḥem at Every Tefilla* 303
 67. *Haftara at Minhā of a Ta'anit Tzibur* 306
 68. *Tefilin at Shaḥarit of Tisha B'Av* 310

YOM HAATZMA'UT

69. *Sephardic Rabbinical Approaches to Zionism* 317
 70. *Hallel on Yom HaAtzma'ut* 322

KASHRUT

71. <i>Sephardic Bishul Akum Standards</i>	329
72. <i>Ḥalak Bet Yosef</i>	335
73. <i>Ḥadash in Hutz LaAretz</i>	339
74. <i>Cheese, Milk, and Fish</i>	347
75. <i>Nat Bar Nat</i>	350
76. <i>Dishwashers for Meat and Milk</i>	353

MEZUZA

77. <i>Sephardic and Ashkenazic Roommates</i>	361
---	-----

MARRIAGE

78. <i>The Sephardic Ketuba</i>	367
79. <i>The Great Sephardic Yihud Controversy</i>	371
80. <i>Sephardic Standards for Sheva Berachot</i>	375
81. <i>One Cup or Two for Sheva Berachot?</i>	380
82. <i>A Kohen Marrying the Daughter of a Jewish Woman and a Non-Jewish Man</i>	385
83. <i>Rav Ovadia Yosef's Ruling Confirming the Status of Ethiopian Jews</i>	390
84. <i>Rabbinical Council of America Prenuptial Agreement for Sephardic Jews</i>	394
85. <i>Sephardic Gittin Standards</i>	398

AVELUT

86. *Hilchot Avelut: Differences Between Sephardic and Ashkenazic Practice* 407

MONETARY MATTERS

87. *Sephardic and Ashkenazic Prozbol* 413
 88. *Gambling: The Stricter Sephardic Approach* 416

HILCHOT NIDDA

89. *Differences Between Sephardic and Ashkenazic Practices.* 425

SEPHARDIC JEWRY

90. *Why are all Eastern Jews Referred to as Sephardic?* 431

MOROCCAN JEWS

91. *Navigating the World of Moroccan Halachic Practices* 439
 92. *Three Secrets of Moroccan P'sak Halacha* 442

YEMENITE JEWS

93. *Four Distinct Elements of Yemenite Practice.* 449
 94. *A Brief Sketch of Yemenite Halachic History* 454
 95. *A Yemenite Sefer Torah* 459
 96. *Must Moroccan and Yemenite Jews Abandon their Ancestral Practices in Israel?* 463

TRIBUTES

97. Rav Ovadia Yosef: <i>In a Class by Himself</i>	469
98. Rav Shalom Messas: <i>The Most Under-Appreciated Posek of the Generation</i>	485
99. Rav Mordechai Eliyahu: <i>A Major Twentieth Century Sephardic Posek</i>	488
100. Rav Ben Tzion Abba Sha'ul: <i>The Quintessential Sephardic Rosh Yeshiva</i>	494
101. Rav Haim David HaLevy: <i>The Sephardic Chief Rabbi of Tel Aviv</i>	499
<i>Epilogue: Four Common Questions about Sephardic and Ashkenazic Jews</i>	505
<i>Appendix A: Comments by Rabbi Mordechai Lebhav</i>	509

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The major event in my Sephardic journey, however, was being chosen in 2000 to serve as the Rav of the fledgling Congregation Shaarei Orah, the Sephardic Congregation of Teaneck.

Every day is a learning experience at Shaarei Orah, and I am grateful for everything our beloved congregants have taught me. This book consists of some of the many *shiurim* I have delivered over the years at Shaarei Orah. I aspired to transmit much of the energy and excitement surrounding this learning to our readers.

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I am grateful to Rabbi Moshe Kinderlehrer, the editor of our esteemed local newspaper *The Jewish Link*, for his unswerving support. He has graciously allotted me a weekly column to share the Torah learning at Shaarei Orah with the broader Jewish community. I also thank *Link* editors Mrs. Elizabeth Kratz and Mrs. Jill Kirsch for their devotion and dedication to publishing a high-quality "Sephardic Corner" column each week at the *Link*. Special mention must be made of the hundreds of readers of the column, who have unceasingly shared kind words of appreciation and encouragement. These columns form the backbone of this book.

The combination of OU Press and Koren Publishers represents the top tier of publications in the Orthodox community. Their meticulous attention to every detail and supreme devotion to excellence live up to their lofty reputations and have exceeded all expectations. It is a pleasure and honor to work with these fine organizations. OU Press under the leadership of Rav Menachem Genack has been involved in this project since the outset. A special debt of gratitude is owed to the OU Press staff, including Rav Simon Posner for shepherding this project from beginning to end, Rav Gad Buchbinder for his extraordinary talented editing, and Debra Bree for her invaluable assistance. Thanks are due as well to Meira Mintz for her editing work on early versions of the manuscript under the supervision of OU Press. The lofty vision of Matthew Miller at the helm of Koren Publishers continues to elevate and inspire the worldwide Orthodox community. It is an honor to work with him once again on this groundbreaking work.

I thank my wife Malca for providing a loving and happy environment in our home. She is the source of the happiness and joy of our home, where our children Bracha and Yisroel (and their son Shmuel David), Binyamin, Chaya Ziporah, Atara, and Hillel grow and flourish, with *Hashem's* help. My *shiurim* and articles easily flow in abundance due to the joyful environment Malca has created in our home. The accolade Rabbi Akiva bestowed upon his wife, "*Sheli v'shelachem shela hi*," "My learning and your learning is all due to her," applies at least in equal measure to Malca.

May this work serve *l'ilui nishmat* my parents, Ben and Shirley Jachter *a"h*. Although they never had the opportunity to meet their daughter-in-law Malca and their grandchildren, I am certain that they

would have been enormously pleased with their complete dedication to Torah and quality character.

May this work serve *l'ilui nishmat* my recently deceased father-in-law, Rav Shmuel Tokayer *zt"l* and a source of comfort and support to my dedicated mother-in-law, Mrs. Chana Tokayer. May *Hashem* extend her much *beracha*, support, and kindness.

Most of all, I thank *Hashem* for fulfilling my dreams to be blessed with a loving spouse and children and to spend a life immersed in holy projects. As a young man, I dreamed of leading a friendly and warm *kehilla*, teaching Torah to teenagers, contributing to *Am Yisrael* as a *dayan*, and publishing valued works of Torah. Thank you *Hashem* for transforming all of these aspirations into reality! Thank you *Hashem* for facilitating such a large and loyal readership, way beyond any dreams I harbored! “*Mah ashiv laHashem kol tagmulohi alai*” (*Tehillim* 116:12) – I am overwhelmed with the enormous gratitude that I owe our Creator.

May it be His Will to continue bestowing all these blessings for many decades to come.

Rabbi Haim Jachter
2 Tevet 5781
Teaneck, New Jersey

Introduction

How interesting! A neighbor related to me that as a youngster living in Brooklyn, New York, whenever he and his Ashkenazic friends visited a Sephardic synagogue for *tefilla*, their reaction was, “How interesting!” When his Sephardic friends would visit an Ashkenazic *shul*, the reaction was the same: “How interesting!”

It is my hope that readers from both Sephardic and Ashkenazic communities, as they delve into this work and begin to learn and grasp the basis for the practices of the various sections of our Jewish community, will react similarly and proclaim, “How interesting!”

Upon their first exposure to the wide and deep world of Sephardic *posekim*, many people comment about how deep Sephardic Halacha is. How deep are the great debates between Rav Ovadia Yosef and Rav Shalom Mesas! How deep are the halachic insights of Rav Ben Tzion Abba Sha’ul, Rav Mordechai Eliyahu, and Rav Hayim David HaLevy! How fascinating is the wide variety of customs of the different sub-groupings of Sephardic Jews! This will be your reaction as well, as *Bridging Traditions* presents rich discussions regarding a broad range of common contemporary areas of interest spanning each of the four sections of the *Shulhan Aruch*, with an eye to the practices of all of the Sephardic communities.

A book like *Bridging Traditions* was not necessary in the Jewish communities of yesteryear, when most Jews could live a lifetime without ever having met Jews of a different background. Ashkenazic and Sephardic Jews had limited interaction until the modern age. The Jew of pre-modern times could manage very well even if he was familiar only with the customs and practices of his specific community.

Nowadays, however, almost all observant families have (or will soon have) at least one couple in their family who are of mixed Sephardic and Ashkenazic heritage. Most Orthodox communities of significant size support both a Sephardic and Ashkenazic *minyán*, or even a full-fledged Sephardic *bet kenesset*. Jews of this generation must therefore be acquainted with the halachic practices and approaches of all Jewish communities.

As a result, I have devoted much attention in *Bridging Traditions* to clarifications as how Sephardic and Ashkenazic Jews should manage their halachic differences when they join together for various occasions. *Bridging Traditions* provides halachic guidance for visiting synagogues, hosting guests on Shabbat and Pesah, roommates with varying practices, weddings, *sheva berachot*, *b'rit mila*, and much more. Both Sephardic and Ashkenazic readers will emerge from reading this book fortified with the knowledge of how to act appropriately in these situations.

The goal of *Bridging Traditions* is to broaden every Jew's perception of "we" to include all Jews. Every Jew should take special pride in the practices of his particular *shevet*/sub-group. At the same time, however, every Jew should also feel a sense of oneness and unity with all Jews. Readers of *Bridging Traditions* will emerge much more knowledgeable regarding the nuanced differences between the communities and will gain a solid "feel" and savvy regarding the broader perspectives and halachic approaches of the wide variety of Sephardic communities. It is my hope that readers will come away with a tangible feeling that we are *am ehad* – one nation serving *Hashem*, with variations. The core of the halachic practice of all the Orthodox Jewish communities is identical.

I learned much of what is imparted in these pages over the past twenty years during my service as the Rav of Shaarei Orah, the Sephardic Congregation of Teaneck, and from my Sephardic mentor, Rav Shmuel Khoshkerman of Atlanta's Congregation Ner HaMizrach. Serving as the Rav of Shaarei Orah has been a life-altering experience for me and my family. We have been immeasurably enriched by the wonderful congregants and Torah

learning at Shaarei Orah, and I am eager to share this excitement and rich learning with the readers of this work. I hope it will be a life-transforming experience for you as well as you emerge with your *Bridging Traditions*.

Tefilla

Chapter 1

Synagogue Conformity: An Exploration of *Lo Titgodedu*

Does Halacha require that everyone praying in one synagogue follow the same practices? At first glance, it seems that the answer is a resounding yes. However, as we shall see, the matter is not as simple as it first appears.

LO TITGODEDU – SOURCE, CHARACTER, AND SCOPE

The Torah forbids us to cut ourselves in mourning for the dead: “*Lo titgodedu*” (*Devarim* 14:1). *Ḥazal* in turn interpret the command of *lo titgodedu* as teaching, “*Lo ta’asu agudot agudot*” – do not split into different factions (*Yevamot* 13b).¹

The *Aḥaronim* debate whether the prohibition to separate into different groups is a Biblical or Rabbinic prohibition. The Maharal (*Gur Aryeh*, *Devarim* 14:1) maintains that it is a Torah-level prohibition, whereas the *Ḥida* (Rav Yosef David Ḥayim Azulai) argues that it is a Rabbinic edict (*Sha’ar Yosef*, *Horiyot* 7b).

1. See *Shem MiShemu’el*, *Parashat Re’eh*, year 5675, for an explanation of the connection between the prohibition to cut oneself in mourning and the prohibition to separate into factions.

Significantly, Rav Moshe Feinstein (*Teshuvot Igrot Moshe, Oraḥ Ḥayim* 4:34) rules that it is a Torah-level prohibition. Rav Ovadia Yosef (*Teshuvot Yehaveh Da'at* 4:36), on the other hand, rules in accordance with the Hida that it is only a Rabbinic-level prohibition. Thus, it is not surprising that Rav Ovadia takes a more lenient approach to *lo titgodedu* than does Rav Moshe.

The *Rishonim* debate the reason for the prohibition to form different groups. Rashi (*Yevamot* 13b, s.v. *lo ta'asu* and *amina*) explains that when some Jews follow one law and other Jews follow another, it gives the appearance as though there are two Torahs. The Rambam (*Hilchot Avoda Zara* 12:14), in contrast, states that the reason behind this prohibition is to avoid creating conflict among Jews.

Rava and Abaye (*Yevamot* 14a) debate whether the prohibition applies to a situation of “*shetei batei din b'ir aḥat*,” two Rabbinic courts in one city, with Rava adopting the lenient view and Abaye adopting the stricter view. Abaye demands halachic conformity from a Jewish community, whereas Rava does not. Rava finds it tolerable to have a Jewish community with more than one halachic authority.

Although the Rambam accepts the opinion of Abaye, the majority of *Rishonim* – including the Rif (*Yevamot* 3b) and the Rosh (*Yevamot* 1:9) – rule in accordance with Rava, following the general rule (*Bava Metzia* 22b) that we follow Rava's rulings except for six specific cases (of which this debate is not one).

Despite the lenient view of the *Rishonim*, however, it seems that one synagogue certainly constitutes a single *bet din*, and a uniform practice should therefore be observed in such a setting. This appears to be the ruling of the Rama (*Oraḥ Ḥayim* 493:3), who writes that disparate observances of the *sefrat ha'omer* mourning period within a single community constitute a violation of *lo titgodedu*.

EXCEPTIONS TO THE RULE – HOMOGENOUS VS. HETEROGENEOUS COMMUNITIES

Rav Moshe Feinstein (*Teshuvot Igrot Moshe, Oraḥ Ḥayim* 1:159) notes that in the United States, Jews from various parts of Europe are all gathered together, and they continue the halachic practices of their former communities. Subsequent generations continue the practices of their parents and grandparents. Thus, in the United States, most communities do not

have one unified *minhag* regarding the observance of the mourning during the *sefirat ha'omer* period. According to Rav Moshe, one might argue that American Jewry constitutes a case of a massive “*shetei batei din b'ir aḥat*.”² Thus, those who uphold their divergent practices do not violate *lo titgodedu*.

However, in another context (*Teshuvot Igrot Moshe, Oraḥ Ḥayim* 4:34), Rav Moshe does not go as far as to make such a sweeping statement. In fact, he prohibits having two different practices in one *bet kenesset*, such as some people wearing *tefillin* on *Ḥol HaMoed* while others do not (as we discuss at length in chapter 40).

Rav Moshe Sternbuch (*Teshuvot V'Hanhagot* 1:44 and 637), however, presents an argument supporting divergent practices regarding the wearing of *tefillin* on *Ḥol HaMoed*, even in one synagogue. He writes that after the Holocaust, after centuries-old communities with distinct customs were destroyed and survivors gathered and formed new communities, an implicit understanding emerged that everyone would follow the practices of their families and former communities. Thus, Rav Sternbuch countenances divergent practices in such communities regarding wearing *tefillin* on *Ḥol HaMoed*.

This is indeed prevalent in many Ashkenazic synagogues, where it is also common to see unmarried young men of German-Jewish descent wearing a *tallit* before marriage, even though most of the unmarried men in the synagogue do not wear a *tallit*. In such communities, there is an implicit understanding that everyone follows the respective practices of their ancestors.

Rav Sternbuch explains that *lo titgodedu* does not apply to such a situation, since there is communal consent to the divergent practices. This fits with the Rambam's reasoning that it is prohibited to break into factions because of inevitable conflict. In a case of consent, it follows, there is no prohibition of *lo titgodedu*.³

According to Rav Sternbuch (and to a lesser extent Rav Moshe), we may distinguish between homogenous and heterogeneous communities. The prohibition of *lo titgodedu* applies only to a homogenous community.

2. In this responsum, Rav Moshe refers to the situation as not just two, but rather many *batei din* in one Jewish community.

3. It appears that we can make such an assertion only if we assume that *lo titgodedu* regarding divergent practices constitutes a Rabbinic prohibition.

Even in a heterogeneous synagogue, however, there may be a blend of conformity and diversity. While different practices are tolerated and accepted regarding certain specific practices, such as wearing *tefillin* on *Hol HaMoed* and a *tallit* for unmarried men, there may be an expectation of uniformity with regard to many, or even most, other matters, such as the *nusah* of the *tefilla*.

RAV OVADIA YOSEF'S LIMITATIONS ON LO TITGODEDU

In his aforementioned responsum, Rav Ovadia Yosef notes some dramatic limitations on the prohibition of *lo titgodedu*. He argues (based on Radbaz's *Leshonot HaRambam* #11) that *lo titgodedu* does not apply to well-known disagreements, such as those between Bet Hillel and Bet Shamai. Rav Ovadia applies this distinction to the different practices among Sephardic and Ashkenazic Jews. Thus, he permits Sephardic students who are learning in a predominantly Ashkenazic yeshiva to shave and cut their hair between the seventeenth of Tammuz and the week during which Tisha B'Av falls, even though this is not permitted according to Ashkenazic custom.

Rav Ovadia argues that this difference in practice should not lead to great discord, since it is well-known that Sephardic Jews follow the *Shulhan Aruch* regarding this issue while Ashkenazim follow the Rama (*Orah Hayim* 551:3). The assertion that divergent Ashkenazic and Sephardic customs do not violate *lo titgodedu* is a recurring theme in Rav Ovadia's writings. (See, for example, *Teshuvot Yabia Omer* 4: *Even HaEzer* 13; 5: *Orah Hayim* 37:4 and *Yoreh De'ah* 3; and 6: *Orah Hayim* 10.)

Furthermore, Rav Ovadia accepts the view of Rav Mordechai Benet (*Teshuvot Parashat Mordechai, Orah Hayim* 4), who rules that in the case of divergent practices that stem from ancient disputes, *lo titgodedu* does not apply even when both practices are observed simultaneously in the same *bet kenesset*. In other words, Rav Ovadia rules that we extend Rava's tolerance of *shetei batei din b'ir ahat* to accepting two *batei din* even in one yeshiva and in one synagogue.

Rav Ovadia applied this approach in practice. Rav Shmuel Khoshkerman vividly recalls Rav Ovadia's visit to Baltimore's Yeshivas Ner Yisroel in the 1980s. Rav Khoshkerman was among a large group of young Jews who had escaped from Iran and were separated from their parents

for many years; Ner Yisroel took in many of these students.⁴ When Rav Ovadia was given the honor of the third *aliya* to the Torah, he recited the *berachot* in full accordance with Sephardic pronunciation and text.⁵ In conformity with Sephardic practice, he even recited *Kaddish* after his *aliya* (unlike the Ashkenazic practice, in which the *ba'al korei* recites this *Kaddish*), once again in complete conformity with the Sephardic pronunciation and text.

Moreover, Rav Khoshkerman reports that the great Rosh Yeshiva of Ner Yisroel, Rav Yaakov Yitzḥak Ruderman, instructed the Sephardic students to follow all Sephardic customs while they prayed together in the yeshiva's (Nusah Ashkenaz) *minyán*.

RAV MOSHE FEINSTEIN VS. RAV OVADIA YOSEF

When I reported Rav Ruderman's ruling to Rav Hershel Schachter, he reacted with surprise. Rav Schachter remarked that Rav Ruderman should have instructed the Sephardic Talmidim to make a separate *minyán*. He noted that this is what was done when Moroccan students began attending the Mirrer Yeshiva in the 2000s.

Rav Schachter follows the approach of Rav Moshe Feinstein (*Teshuvot Igrot Moshe, Oraḥ Ḥayim 2:23*), who rules that when praying in a synagogue whose *nusah* differs from one's own, one should pray in conformity with the *tzibbur's nusah* with regard to the portions of *tefilla* that are ordinarily said out loud.⁶

Although Rav Moshe prohibits even praying *Pesukei D'Zimra* in accordance with one's own *nusah* in such a case, as it may be said aloud, Rav Schachter permits it. He argues that since it is common to recite *Pesukei D'Zimra* quietly in Modern Orthodox synagogues, it is permissible to quietly recite this portion of *tefilla* in accordance with one's own *nusah*.

Thus, Rav Schachter rules that an Ashkenazic Jew who prays in a Sephardic *bet kenesset* should use an Ashkenazic *siddur* and pray in accordance

4. Quite a number of these young Persian Jews who learned for many years at Ner Yisroel later emerged as significant Rabbinic leaders in the Sephardic community and beyond.

5. Indeed, Rav Yitzḥak Yosef rules that this is the proper practice for a Sephardic Jew who receives an *aliya* in an Ashkenazic *bet kenesset*; see Rav Yonatan Nacson, *MiMizrah UmiMa'arav*, p. 273.

6. Rav Mordechai Willig told me that he also subscribes to Rav Moshe's approach.

with Ashkenazic practice, except for the portions of *tefilla* that are said out loud, such as *Kaddish* and *Kedusha*.

Rav Schachter permits an Ashkenazic Jew visiting a Sephardic synagogue to use a Sephardic *siddur* and to pray in complete conformity with the Sephardic *tefilla* if he would otherwise find it confusing. I advise most Ashkenazic Jews to follow this in practice, because experience indicates that using an Ashkenazic *siddur* in a Sephardic synagogue leads to considerable confusion.⁷

In contrast to Rav Moshe and Rav Schachter, Rav Ovadia Yosef (*Teshuvot Yehaveh Da'at* 4:36) adopts a dramatically more narrow definition of *lo titgodedu*. He urges Sephardic Jews praying in an Ashkenazic congregation to completely adhere to Sephardic practice.⁸ He even goes as far as to say that a Sephardic mourner should recite *Kaddish* in conformity with the Sephardic text even when praying in an Ashkenazic congregation (*Yalkut Yosef, Oraḥ Hayim* 56:25)!⁹

RAV OVADIA'S EXCEPTIONS

Even Rav Ovadia, however, sets limits about deviating from the practices of one's host synagogue. For example, he rules that a Sephardic Jew should stand for *Kaddish* when praying with Ashkenazim (*Teshuvot Yehaveh Da'at* 3:4).¹⁰ He also rules that a *kehilla* should adopt a uniform manner of performing the *na'anim* of the *arba minim* on Sukkot (*Hazon Ovadia, Sukkot* 353). Finally, he urges one to wear *tefillin* on Tisha B'Av in the afternoon when visiting a congregation where this is the prevailing *minhag* (*Hazon Ovadia, Daled Ta'aniot*, p. 370 in the *bi'urim*).

Rav Ovadia does not establish a guiding principle as to when to permit or forbid deviation from a congregation's prevailing *minhag*. It seems,

7. An exception would be one who is exceptionally proficient in both Ashkenazic and Sephardic *nusah*.

8. Rav Shalom Messas (*Teshuvot Shemesh U'Magen* 3: *Oraḥ Hayim* 24) concurs. Rav Shlomo Amar (*Teshuvot Shema Shlomo* 2:7) writes that this has emerged as the accepted practice among Sephardic Jews when visiting Ashkenazic synagogues.

9. We discuss this issue at length in chapter 11. Whenever we refer to *Yalkut Yosef* in this volume, we refer to the 5766 version of Rav Yitzhak Yosef's *Yalkut Yosef, Kitzur Shulḥan Aruch* (unless otherwise noted).

10. Note that *Masechet Derech Eretz Rabba* (ch. 7) specifically instructs one to avoid standing among those who are seated or sitting among those who are standing.

however, that even Rav Ovadia frowns upon divergent practices that irritate congregants. In other words, Rav Ovadia permits different practices when there is perceived permission and consent. In a situation in which such consent is lacking and there is concern for strife and conflict, the concern for *lo titgodedu* emerges.

Put differently, the implicit consent for divergent practices that Rav Sternbuch argues exists in contemporary heterogeneous synagogue settings has its limits. It does not apply when the prevailing community finds the varying practice to be irritating. Having divergent practices regarding *na'anuim* in one *minyán*, for example, is understandably irritating, and the communal consent does not extend to this differing comportment.

Thus, *lo titgodedu* does not apply when there is consent to divergent practice. Absent such consent, however, *lo titgodedu* applies. A community's *posek* must determine which varying behaviors are acceptable and which the community finds offensive.

DIVERGENT SEPHARDIC PRACTICES IN A PAN-SEPHARDIC BET KENESSET

Rav Shmuel Koshkerman has repeatedly told me that Rav Ovadia's ruling applies to variant Sephardic practices in a pan-Sephardic synagogue (whose members consists of a diverse assembly of Sephardim from a variety of backgrounds), such as Shaarei Orah in Teaneck and Ner Mizrach in Atlanta (where Rav Khoshkerman serves as the Rav). Rav Baruch Gigi told me that this is standard practice in pan-Sephardic congregations in Israel as well.

Accordingly, in a pan-Sephardic synagogue, it is acceptable to have some following the Minhag Yerushalyim to stand for the *Kaddish* prior to *Barechu* on Friday evening while others follow the Moroccan custom to sit. Similarly, at *Minḥa* on a *ta'anit tzibur*, it is acceptable for some men to wear *tefillin* while others refrain from doing so (see Rav David Yosef, *Halacha Berura* 38:20).

This would not seem to apply, however, to a homogeneous Sephardic synagogue, a synagogue that practices a specific rite, such as a synagogue designated as a Moroccan, Syrian, Turkish, or Persian *bet keneset*. Once again, we distinguish between a homogenous and heterogeneous community. As we cited above from Rav Sternbuch, in a heterogeneous community, there is consent for divergence in practice. Even in that case, however, there is

room to draw limits on certain issues, especially those for which there is a consensus among the various Sephardic communities.¹¹

CONCLUSION

When Rav Shlomo Amar visited Congregation Shaarei Orah in August 2017, I asked him whether we are mandated to maintain one uniform practice in a Sephardic *bet kenesset* or if divergent practices may be countenanced. He replied that it is preferable to maintain one *minhag*, but if the synagogue rabbi feels it is in the best interest of the congregation to tolerate divergent Sephardic practices, he may elect to do so. Thus, a synagogue may choose to define itself as homogenous or heterogeneous.

Returning to the question we posed at the beginning of this chapter as to whether the Halacha requires everyone praying in one synagogue to follow the same practices – the answer is that it depends on the character of the synagogue and the particular issue at hand. Sometimes, the *lo titgodedu* principle demands conformity, while at other times divergence is acceptable.

11. The universally accepted Sephardic practice to refrain from wearing *tefillin* on *Hol HaMoed* may be one such example.