

This dedication is in
honor of my brother

Yehuda Azoulay

who has dedicated so much of his
time to this very important cause
of making the world know about
and learn from our *gedolim*.

May you have much *siyata
d'Shmaya* in all of your works.

L'illui Nishmat:

Messod ben Rachel

Esther bat Leah

Yehuda ben Esther

Luna bat Sarah

*Messod and Rachel Azoulay
and Family*

**Rabbi Moshe Haim (Grandfather
of Rabbenu Yosef Haim)**

Rabbenu Yosef Haim was born into a dynasty of towering Torah giants that had led Iraqi Jewry for generations. His father, Rabbi Eliyahu, was a leader of Baghdad Jewry and, by extension, the entire community of Bavel. Rabbi Eliyahu's father, Rabbi Moshe Haim, was the leading rabbi and *rosh yeshivah* in Baghdad for more than fifty years and had a profound impact on the spiritual quality of the Iraqi Jewish community.

Rabbenu's grandfather, the renowned *tzaddik* Rabbi Moshe Haim, was born in 5512/1752 and served as the rabbi of Baghdad. He was an extraordinary leader, who inspired his flock to strengthen their observance of Torah and *mitzvot*.

Legend has it that Rabbi Moshe Haim kept his scholarship secret, and for many years, no one knew of his encyclopedic knowledge of Torah. One day he had a halachic dispute with the head of the Baghdad *bet din*, Rabbi Yechiel Eliya Yehezkel. The matter was so contentious that news of the controversy reached the Arab minister who had been appointed by the Pasha¹ to oversee the governance of the Jewish communities. As Rabbi Moshe Haim was an unknown figure, the minister dismissed Rabbi Moshe Haim's position without a second thought.

Rabbi Moshe Haim eventually left Baghdad and moved to the city of Basra, where he was welcomed and embraced with honor and reverence, and immediately appointed community rabbi. He served in this capacity for several years.

Sometime later, a very complex halachic question was brought before the *dayanim* and *hachamim* of Baghdad regarding an *agunah* — a married woman whose husband had disappeared. Rabbi Moshe Haim wrote a lengthy responsa on the matter in Basra, and sent it to the *hachamim* of Jerusalem, eager to hear their opinion on this critical halachic question. The *hachamim* of Jerusalem were amazed by Rabbi Moshe Haim's incisive analysis of the subject, and, in composing their letter expressing their agreement with his opinion, went so far as to compare his Torah knowledge to that of his namesake, Moshe Rabbenu.

When the *hachamim* of Baghdad learned of Rabbi Moshe Haim's greatness in Torah, they promptly invited him to return to Baghdad. He agreed, and they welcomed him with honor and respect. In 5547/1787 they formally instated him as rabbi of the city, though he was just thirty years old. Rabbi Moshe Haim held this prestigious position for fifty years, until his passing in 5596/1836.

1. "Pasha" was the title given to governors appointed by the Ottomon authorities.



Standing from left to right: Hacham Yeheskel Ezra; Hacham Elia Bassa; Hacham Shimon Mordechei; Hacham Sasson Kaduri; Hacham Yehuda Moshe Fetaya; Hacham Haim Moallem

Sitting from left to right: Hacham Shmuel Abraham Mjalled; Hacham Ezra Cohen; Hacham Moshe Haim Shamash; Hacham Abraham Hillel; Hacham Sasson Elia; Hacham Moshe Halevi and Hacham Yitzhaq Abraham Mjalled (Baghdad 1910)

From the day of his appointment, he devoted himself tirelessly to spreading Torah learning through the communities of Bavel, filling numerous different roles:

1. He served as head of the *bet din*, which abided by his every ruling. By virtue of his position, he was authorized to institute new *takanot* (provisions) and *minhagim* (customs) that are still accepted as halachah to this very day.
2. He was also the leading *darshan* (lecturer) in Baghdad. On weekdays while wearing his *tallit* and *tefillin*, he would deliver captivating lectures on the *Shulhan Aruch* and *En Yaakov* in Zalal Lazjiri, one of the smaller synagogues in Baghdad. On Shabbat he would speak in that synagogue about the weekly

parashah. For the four most important Shabbat speeches of the year — on Shabbat Teshuvah (before Yom Kippur), Shabbat Zachor (before Purim), Shabbat Hagadol (before Pesah), and Shabbat Kallah (before Shavuot) — Rabbi Moshe Haim was the only rabbi in all of Baghdad to address the community. This speech would be delivered in Baghdad's Great Synagogue, which was known as Zalut Lachbiri, and all the city's other synagogues would be closed for the duration of his lecture. All the Jews of Baghdad would crowd into the massive sanctuary to hear Rabbi Moshe Haim's passionate and inspiring discourse, which usually focused on the affairs affecting the community at the time. After his passing, the honor of delivering these important *derashot* was passed down to his son and, eventually, to his grandson.

3. He also led the large yeshivah in Baghdad that nurtured countless *talmide hachamim*. His students included Rabbi Reuven David Nawi, whom Rabbi Moshe Haim, as an old man, appointed as head of the *bet din*; Rabbi Abdallah Somech, author of *Zivhe Tzedek*; Rabbi Eliyahu Ovadia; and many others scholars who emerged as prominent Torah leaders.

The Jews and rabbis of Baghdad regarded Rabbi Moshe Haim with a combination of awe and affection, and his fame spread throughout the Jewish communities in Arab lands. He is reverently cited in many rabbinic writings, testifying to the profound respect which he commanded. For example, in the introduction to the booklet *Devar Moshe* (which is appended to the book *Rav Berachot* by Rabbenu Yosef Haim, Rabbi Moshe Haim's grandson), we find the following passage, describing Rabbi Moshe Haim: "*Moshe emet v'Torah'to emet* [Moshe is true and his Torah is true]... There could never be enough pages to praise him sufficiently... He was like Moshe [Rabbenu] in greatness... Moshe was very humble... I need say no more."

Rabbi Yisrael ben Shmuel Ashkenazi of Shklov (1770-1839) was a famous disciple of the Vilna Gaon who later moved to Eretz Yisrael

where he led a community called the *Perushim*. Before Rabbi Yisrael published his magnum opus, *Pe'at Hashulhan*, he sent a copy to Rabbi Moshe Haim in order to receive his *haskamah* (letter of approbation). In the introduction to Rabbi Moshe Haim's *haskamah*, Rabbi Yisrael described him as the "the great *gaon*, the candle of Israel, the towering pillar, the elder and most learned of the yeshivah of Bavel, the jewel of his generation..." These terms are borrowed from the Talmud's description of Rabbi Yohanan ben Zakai, the great rabbinic leader during the destruction of the Second Temple.²

A letter written in Baghdad in 1836 and signed by twenty-seven rabbis, led by Rabbi Abdallah Somech, referred to Rabbi Moshe Haim as "the great *gaon*, our teacher and the crown of our heads, the magnificent *tzaddik* Moshe, who judged Israel all the days of his life and led them on the good and straight path, like a compassionate father would his children and friends, without expecting any compensation."

Unfortunately, although Rabbi Moshe Haim left behind many writings, only three responsa are extant today. They were published in the books of his grandson, Rabbenu Yosef Haim. Two responsa on the laws of *agunot* appear in the book *Rav Berachot*, and one responsum is published in *Rav Pe'alim*.

Rabbi Moshe Haim legislated many new *takanot* (enactments) in Baghdad, including the following provisions:

1. He enacted that all *tefillin* be refurbished to ensure that the *battim* (boxes) were perfectly square as mandated by halachah. Until then, the *battim* in Iraq were not properly squared. Rabbi Yehuda Ashkenazi, an expert *battim*-maker from Damascus, Syria, came to Baghdad and offered to teach all the local *battim*-makers to properly square the *tefillin*. Rabbi Moshe Haim agreed, and he sent representatives to

2. *Berachot* 28b.

every synagogue in Baghdad to declare that all the *tefillin* are invalid for the mitzvah, and no *berachah* should be recited on them, until the *battim* are exchanged for properly squared *battim*. Rabbi Moshe Haim was held in such high esteem that even some of the other great scholars, who did not fully agree with this stringency, did not have the audacity to challenge his ruling. And so, all of Baghdad's Jews changed their *tefillin*.³

2. He declared that all the Jews of Bavel should follow all the rulings of Maran Hahida, Rabbi Haim Yosef David Azoulay (1724-1806).⁴
3. He overruled the previous practice of reciting the *Al Hanissim* prayer on the 15th of Adar.⁵ The *minhag* in Iraq is to celebrate Purim on both the 14th and 15th of Adar, in light of the uncertainty that existed as to which day should be observed in that region. Until Rabbi Moshe Haim's time, Iraqi Jews also added *Al Hanissim* to the *Amidah* prayer and to *Birkat Hamazon* on both days. Rabbi Moshe Haim insisted that they stop saying *Al Hanissim* on the 15th, because if the 15th was not to be observed as Purim, then this recitation would constitute a *hefsek* (interruption) that invalidates *Birkat Hamazon*.
4. He introduced the practice of calculating "halachic hours" based on dividing the time period between *amud hashahar* (the first morning light) and *tzet hakohavim* (the point when three medium-size stars are visible) into twelve equal parts.⁶
5. The custom in Baghdad was that a *hatan*, on the Shabbat after his wedding, was accompanied to the synagogue with singing and dancing, and with non-Jews playing musical

instruments. Although Rabbi Moshe Haim upheld the permissibility of playing music at wedding celebrations, he banned the practice of hiring Arab musicians to play for the *hatan* on Shabbat.⁷

6. Until Rabbi Moshe Haim's time, the *shohtim* (slaughterers) in Iraq used knives that were thicker than the razor-sharp blades used nowadays. Rabbi Moshe Haim's disciple, Rabbi Abdallah Somech, writes in his work *Zivhe Tzedek* that Rabbi Moshe Haim once gathered all the town's *shohtim* to inspect their knives and their method of *shehitah*. He was dismayed upon seeing the thick *shehitah* knives, and ruled that the *shohtim* who used such knives could not practice *shehitah*. He also declared that all utensils that had been used to cook and eat meat that was slaughtered with the thick knives were not kosher and required koshering. Rabbi Moshe Haim then instituted a formal *takanah* that any *shohet* who uses even a moderately thick knife was disqualified from serving as a *shohet*. "From that time on," Rabbi Abdallah Somech writes, "praised be Hashem, all of Baghdad and the small surrounding villages began to slaughter with only thin, sharp knives."
7. He introduced the practice of following the *Shulhan Aruch's* ruling that if a *shehitah* knife is drawn back and forth during the slaughtering, it does not have to be as long as the width of the animal's neck (as a cut can be performed with less pressure using a sawing motion).⁸
8. He introduced the recitation of the text, "*Et Musfe*" during the *Mussaf* service on Yom Kippur, even when Yom Kippur fell on a weekday.⁹

3. *Rav Pe'alim* part 4, *Orah Haim* section 2.

4. *Zivhe Tzedek* part 2, p. 42.

5. *Orah Haim*, *Ben Ish Hai* Year 1, *Parashat Tetzaveh*, ch. 14.

6. This practice is in contrast to the view taken by some authorities whereby the halachic hour is calculated based on the period between sunrise and sunset.

7. *Ben Ish Hai*, *Parashat Shoftim*, ch. 18.

8. *Zivhe Tzedek* I, 24:9.

9. *Ben Ish Hai*, Year 1, *Parashat Vayelech*, ch. 20.

In his work *Benayahu*,¹⁰ Rabbenu describes the holiness of his grandfather: “I heard that it was the practice of my teacher, my grandfather, Rabbi Moshe Haim, that when he went along his way through the streets of the city to perform a mitzvah, when in a clean place, he would unify G-d’s Name by saying, ‘*Shema Yisrael*’ on each street that he walked along.”

And in his book *Od Yosef Hai*,¹¹ Rabbenu praises Rabbi Moshe Haim’s extraordinary wisdom and insight:

I read this story: A learned and respected Arab had a Jew write on a piece of paper in Hebrew the three letters *bet, bet, alef*. He came to my grandfather, Rabbi Moshe Haim, showed him this paper, and asked what the letters signified. The rabbi immediately and unhesitatingly replied, “They are an acronym for ‘*Bereshit Bara Elokim*’ [‘In the beginning G-d created’]. The Arab marveled at how the rabbi determined the letters’ meaning immediately at the first glance. He had the letters written with that verse in mind in order to test a *hacham’s* ability to determine their meaning.

Shene Luhot HaBrit (Two Tablets of the Covenant)

In his book *Ben Ish Hai*,¹² Rabbenu tells another story about his grandfather’s keen wisdom:

The story is told of my teacher, my grandfather, Rabbi Moshe Haim, who once had two people come to him for a court case, each presenting contradictory accounts of the relevant events. In his great wisdom and insight, he understood that one of the claimants wanted to swear

a false oath, and he said to him, “Do you think that I would allow you to swear on a Torah scroll? Believe me, I would only let you swear on the *shene luhot habrit* [the Two Tablets inscribed with the Ten Commandments]!” He immediately told the court attendant to go to the *mikveh*, immerse ten times, and bring back the *shene luhot habrit* so that the man could swear on them.

The man was horror-stricken. He was unaware that there was a book entitled *Shene Luhot Habrit* (by Rabbi Yeshaya Horowitz, 1565-1630), and he thought that he was about to be presented with the very same Two Tablets that Moshe Rabbenu received from Heaven at Har Sinai, which had been brought to Bavel in the exile and remained there. Seized with terror, he said, “I’ll pay up, but I won’t swear!”

The rabbi said to him, “No, you have already undertaken to swear, so now you must swear.” At that point, the man confessed that he had lied and told the real story.

The Brilliance and Empathy of Rabbi Moshe Haim

In his work *Nifla’im Ma’asecha*, Rabbenu relates another incident of a case that came before his grandfather. This case involved an Arab who claimed that a Jew owed him money. They approached Rabbi Moshe Haim in the synagogue, and the Jew flatly denied the claim and offered to swear. Rabbi Moshe Haim, through his keen insight, realized that the Jew was lying and was prepared to swear falsely.

“I will let you swear,” the rabbi said to the defendant, “but first I want to go home to check something. You two should sit here until I return.” He left the synagogue with the court attendant, leaving the two litigants alone in the synagogue — or so they thought.

10. *Yoma* 53b.

11. *Derashot, Vayikra* 72c.

12. *Derashot, Parashat Mishpatim; Nifla’im Ma’asecha*.

Rather than going home, Rabbi Moshe Haim crept up into the women's section, which had an entrance from outside the building, and hid there so he could hear the exchange between the two litigants.

The Arab asked the Jew, "How can you swear a false oath on the Torah? Isn't it true that I gave you the money at such-and-such place?"

"What can I do?" the Jew answered. "I have no way to pay you now, and if I admit to the debt, you will demand payment and have me thrown in jail. Who will take care of my family?" And so the conversation ensued, with the Arab insisting that the Jew confess to the debt, and the Jew refusing.

Finally, Rabbi Moshe Haim returned to the main hall of the synagogue, and informed the litigants that he had overheard their conversation. The Jew, embarrassed, had no choice but to confess.

Rabbi Moshe Haim then asked the non-Jew if he would accept several payments rather than one lump sum, thereby enabling the Jew to repay the loan without compromising his financial stability. The non-Jew agreed, and he left the synagogue awe-struck by the Rabbi's brilliance and empathy.

Hashem Watches Over Those Who Revere Him

Rabbi Moshe Haim was once invited to somebody's home for a meal on Pesah. The host served many different kinds of appetizing food, including rice. When Rabbi Moshe Haim was served his bowl of rice, he noticed a kernel of wheat on top of the bowl.¹³ Hashem protected the great *tzaddik* from sin, and ensured that he would not eat *hametz* on Pesah even inadvertently. As a result of this incident, Rabbi Moshe Haim decided to never again eat rice on Pesah.¹⁴

13. *Rav Pe'alim* 3:30.

14. Even today, descendants of the Ben Ish Hai follow this custom not to eat rice on Pesah (as reported by Hacham David Haim, a great-great-grandson of the Ben Ish Hai).

The Passing of Rabbi Moshe Haim

Rabbi Moshe Haim was summoned to the Heavenly Court on 8 Sivan, 5596/1836. Rabbi Yehuda Burla¹⁵ writes about Rabbi Moshe Haim, "Moshe is true and his Torah is true. Like Moshe Rabbenu, who received the Torah directly from Heaven, he did not leave any area untouched. The man Moshe was exceedingly humble."

Although Rabbi Moshe Haim's passing was a devastating loss for the Baghdad community, they took comfort in the fact that he had left a son like him, the great Rabbi Eliyahu Haim, who assumed his father's rabbinic duties. Rabbi Eliyahu Haim was a brilliant Torah scholar, and also served as a *mohel*, bringing thousands of children into the covenant of Avraham Avinu. His son, Rabbi Yosef Haim, describes his generous, charitable nature: "May my father, the crown of my head, be remembered favorably. I remember that he always designated a separate pocket in his clothing for *tzedakah*. At different times throughout the day, he would take coins and place them in this pocket. All the contents of that pocket would be distributed to *tzedakah*..."

15. Rabbi Yehuda ben Yisrael Yaakov Burla was a contemporary and colleague of Rabbi Yom Tov Algazi, the Chief Rabbi of Jerusalem at that time. He consulted with Hacham Moshe on important halachic matters and regarded him as a Torah giant.