



## Laws Pertaining to Kibbud Av Va'Em (4)

### Topics discussed in this week's shiur:

**1) Listening to a parent for something that does not have direct benefit to the parent. 2) Paying a parent's bills. 3) Getting married against a parent's will. 4) Going to the mikveh against a parent's will. 5) A parent who requests that one should not personally perform a brit milah procedure. 6) A parent who requests his son not to fast a non-obligatory fast. 7) A parent who requests that one should not sleep in the Sukkah throughout Sukkot. 8) Donating a kidney against a parent's will, and the permissibility of organ donation. 9) Honoring a parent who forgoes on his honor. 10) Kibud av va'em vs. a mitzvah that is ben adam la'Makom. 11) Being careful in mitzvot that are ben adam le'chavero. 12) Osek ba'mitzvah patur min hamitzvah. 13) A parent asks his son not to wear a gartel. 14) Changing one's minhagim.**

### The obligation to listen to a parent for something that does not have direct benefit

We spoke last week about the argument between the *Ramban* and *Rambam* regarding if the mitzvah of *Kibud av va'em* is a mitzvah that is *ben adam le'chavero* (between man and man) or if it is *ben adam la'Makom* (between man and G-d). We explained that there are at least fourteen different applications that result from this disagreement, and one of the applications that we mentioned is regarding the halachah that there is no mitzvah of *Kibud av va'em* for a mitzvah that does not have direct benefit to one's parent. This halachah follows the opinion of *Rashba*, *Ramban* and *Ritva* (*Yevamot* 6a), this is unlike the opinion of the *Meiri* (*Yevamot* 5b), *Teshuvot HaRosh* (15:5), and *Rabbenu Yerocham* (1:4) who state that one must listen to his parent even in a case where the parent is not receiving direct benefit.

Some examples of when one does not have to listen to his parent include:

### Paying a parent's bills

One is not obligated to pay his parents bills if he is asked to pay them, since the mitzvah of *Kibud av va'em* does not obligate

one to spend money (see *Kiddushin* 32a). However, if his parents are poor, then he should give his *ma'aser* money to his parents.<sup>1</sup> If one's parent send one on an errand, such as if they give one money to pay their bills at the bank, then there is indeed a mitzvah to help the parent, since the parent is getting direct benefit from the service of the son, at no financial cost on the son's part.

### If a girl needs to listen to her father and not get married

Rabbenu Yosef Chaim (the author of the *Ben Ish Chai*) says in *Torah Lishmah*<sup>2</sup> (*siman* 266) discusses a case where a father tells his daughter not to get married since he needs her help at home, and he rules that she must listen to him, since the mitzvah of *Kibud av va'em* is more important than a woman's mitzvah of getting married. However, *Maran zt"l* writes in *Yabia Omer* (vol. 8, Y.D. 22:2) that she does not have to listen to her parent, and one of the reasons for this is because it is not something that is not a direct benefit to her parent.<sup>3</sup>

<sup>1</sup> According to Ashkenazim, the halachah of giving *ma'aser* (one tenth of one's net earnings) is considered an obligation (as brought in *Rama* Y.D. 249:1). According to Sepharadim, giving *ma'aser* is only a stringency, and is not an absolute obligation (see *Teshuvot Bet Dino Shel Shlomo* Y.D. 1). Nevertheless, if one wants to give tzedakah, he should give to his parent before giving other poor people, if the parent is needy, since one's family takes precedence over other causes.

<sup>2</sup> *Maran zt"l* writes in *Yabia Omer* (O.C. 9:96) that he is unsure if *Torah Lishmah* was really written by the *Ben Ish Chai*, since the author of the book signs every *Teshuvah* with the name "Yechezkel Kachli." However, in other places *Maran zt"l* clearly indicates that *Torah Lishmah* was indeed written by Rabbenu Yosef Chaim, the author of the *Ben Ish Chai*. There are many proofs to this theory, as there are many similarities in *sefer Yedei Chaim*, and this indicates that they were written by the same author.

<sup>3</sup> There are some people who want to marry converts even against their parent will, but even if it is permissible to do so, it is important to ensure that this person converted with a proper *Beit Din*. The Rabbanut holds a list of *Batei Din* that we can rely upon for matters of conversion. Unfortunately, there are many "*Batei Din*" that do not have judges who are qualified. Just last week I heard of a certain "Rabbi" who was the Rabbi of a community and well-known chazzan, and he then left his community and became the "Rabbi" of a Conservative synagogue. Anyone who did a conversion with him should redo their conversion, as there is significant reason to believe that such a conversion was invalid.

About twenty-five years ago, I was staying in Monsey, and on Shabbat I had delivered a *shiur* there, even though there were mainly Ashkenazim there, they were genuinely interested in what I had to say, as I was speaking about different halachic rulings that they were not familiar with. I also explained to them many differences between Sephardim and Ashkenazim. After the *shiur*, there was a very tall dark-skinned man who jumped up towards me, and he told me "*Kvod HaRav!* You wrote in *Yalkut Yosef*..." I was intimidated by such a large person, but I was relieved that he at least knew what the *Yalkut Yosef* was... "Yes, how can I help you?" I asked. "I am a convert," said the man, "and when I converted, I had learned that there is only one Torah in Am Yisrael, but now I am very confused with all of these different opinions in every halachah, and it seems as if there are two Torah's -- one for Sephardim and one for Ashkenazim!" I was later told that this man had studied *Yalkut Yosef*, and he knew it maybe even better than I did... Being that I was on my way out, I told him to walk with me to where I was staying and during our walk I explained to him that each person has to follow the rulings of his rebbe; Sephardim are the *Talmidim* of the *Beit Yosef*, and the Ashkenazim are the *Talmidim* of the *Rama*. All of this came as a big *chiddush* to him, and he asked me, "Are we going to be like this forever?!" I then answered him, "No, soon Mashiach will come, and



## If a parent tells one not to go to the mikveh

If one's parent asks him not to go to the mikveh, a person should listen to his parent. Even though the halachah is that it is something that is not directly related to the parent, and strictly speaking, one does not have to listen to the parent's request, nevertheless, one should listen to his parent and not cause strife for sake of accomplishing something that is merely a praiseworthy custom.

The *Zohar* (*Shemot*, p. 136b) brings that it is important to immerse in the mikveh, and states that Rav Huna Saba would immerse in a stream every *erev Shabbat*. Likewise, all of the *Mekubalim* speak about the importance of immersing in a mikveh. Even so, the Arizal's mother<sup>4</sup> once told him that she does not want him to immerse in the mikveh, since she was concerned for his health. Even though the Arizal was a great *mekubal*, he nevertheless listened to his mother and refrained from immersing in a mikveh for three years! Even though there is no obligation to listen to a parent for such a request, it could be that the Arizal listened to his mother because he felt that his mother would be greatly pained and stressed if he went against her request.<sup>5</sup>

## A parent who requests of his son not to perform the brit milah on his son

If a parent asks their son that he should not be the one to perform the brit milah procedure on his baby, since the parent is afraid that the son does not have enough experience to perform such a procedure, and as a result he will stall the procedure and cause unnecessary pain to the baby; even though there is no obligation to listen to one's parent in such an instance, nevertheless it is proper for one to listen to his parent's advice. One should not cause pain to the baby for no reason. I remember that *Maran zt"l* would cry along with the baby during a brit milah, since he felt bad that the baby had to endure pain.

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everyone will do like the *Bet Yosef*! ... just for now the Ashkenazim do like the Rama."

4 The mother of the Arizal was Sephardic, and she was married to an Ashkenazi. The Arizal himself was Ashkenaz. Even though the *Chattam Sofer* (O.C. 15) quotes the Arizal saying that he was Sephardic, this is not true, and he was really Ashkenaz. His daughter later married the son of the *Bet Yosef*.

5 *Tosafot* (*Berachot* 22b, "Ve'let") writes that one who immerses on *erev Yom Kippur* should not recite a *berachah* upon his immersion. This is unlike the opinion of *Rav Saadya Gaon*, who says that he should recite a *berachah*. The *Rosh* explains that the halachah that one must purify himself before each *Chag* (*Rosh Hashanah* 16b) is referring to when people had a *Parah Adumah* and people would keep the laws of ritual purity and impurity, but nowadays this is not relevant. Therefore, going to the mikveh is only a *minhag*. Even though there is "*Takanat Ezra*" that dictates that one must go to the mikveh each time he is ritually impure as a result of a seminal emission, in order to be able to learn and pray, nevertheless, nowadays this is not treated as an obligation, and it is customary to be lenient and learn and pray even without going to the mikveh first.

Certainly, one should not recite a *berachah* upon such an immersion, since it is only a *minhag*. This is similar to the *minhag* of hitting the *aravot* on the ground on the day of *Hoshanah Rabba*, since it is only a *minhag*, we do not recite a *berachah* upon it (as we state that it is only a "*minhag Neviim*" and not "*yesod Neviim*."

Even so, the Rambam writes (in a letter that he wrote to one of the Chachmei Alexandria, brought in *Yalkut Yosef*, *Yamim Nora'im*, p. 150) that he always fulfilled *Takanat Ezra*, and went to the mikveh, and he was stringent upon himself, even though he rules in the *Yad Hachazakah* (*Hilchot Keriat Shema* 4:8) that this is no longer an obligation.

*Maran zt"l* taught us that one does not have to go to the mikveh if it will cause him *bittul Torah*. I recall when I was in *Yeshivat Chevron*, that there was one person who sat on our bench who would come late to *sefer* every day because he had gone to the mikveh, which was a far walk from the Yeshivah. He would come at about 9:40 every morning, and I was already there since 9:00! I told him that in the time that it takes him to go to the mikveh and come back, I had enough time to learn a *daf* of *Gemara*! We have to put our priorities in place, learning Torah is no less important than going to the mikveh. Even *Maran zt"l* would not go to the mikveh more than once a year. Before Yom Kippur he would immerse in a private mikveh in Sanhedria, *Maran zt"l* did like to waste his time in order to go to the mikveh, every moment to him was precious.

## If a parent asks his son to not fast a non-obligatory fast

One should listen to his father if his father tells him not to fast during *Shovavim*, since these fasts are not obligatory fasts, and by fasting one will not be able to learn Torah properly. Even though strictly speaking one does not need to listen to his parent in this matter, since the request is not directly related to the parent's benefit, nevertheless, it is proper to listen since the parent is indeed correct in his assessment. *Maran zt"l* would never tell people to take upon themselves fasts in order to do *teshuvah*. Instead, *Maran zt"l* would always tell people to increase their Torah learning and that will serve as an atonement for their sins in place of fasting.<sup>6</sup>

## If a parent requests that one should not sleep in the Sukkah during Sukkot

The *Mishnah* (*Sukkah* 25a) says that it is not permitted to even take a nap outside of the sukkah during Sukkot, lest one end up sleeping there during the night as well. Nevertheless, if it is extremely cold inside the sukkah, and one's parents do not want him to eat or sleep in it because he may become sick from the cold, one should listen to his parents, and he is exempt from being in the sukkah. Some people asked me why one must listen to his parents if this is seemingly not something that is directly related to their benefit. I answered that *Hitorerut Teshuvah*<sup>7</sup> explains that the case of Sukkah is different because one must live in a sukkah as he would in a regular home (i.e., *teshvu ke'ein taduru*), and just as one would not live in a home that his parents tell him not to live in, he should also listen to them regarding being in a sukkah.<sup>8</sup>

## Donating a kidney to someone against a parent's will

Regarding a person who wants to donate a kidney to his friend, but his parents are against him doing so, since there is no direct benefit to one's parents, one does not need to listen to the parent's request. Nevertheless, it is important to first explain to them the reason why it is permitted to donate a kidney to another person:

In general, it is not permitted for a person to sign a waiver that permits the doctors in the hospital to extract an organ as a donation after one passes away. The reason for this is because it is common for a doctor to decide that since the person is in his death throes, then his organs can be removed even before the person has officially died, since many organs are not able to be used in another body after the donor has died. This is not permitted according to halachah. This is similar to the ruling brought in the *Gemara* (*Shabbat* 151b) that states that if a person is near

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6 There was a certain *dayan* that was speaking with me, and I noticed that he had pungent breath, and I told him that he must have bad breath because he is fasting. I then explained to him that as a *dayan*, who is constantly involved in public matters, he needs to have his strength to be able to do his job properly, especially if people might think badly of him because of his bad breath. Not everyone should take upon themselves non-obligatory fasts.

7 Authored by Rabbi Shimon Sofer of Erloy. He was the son of the *Ketav Sofer*, and the grandson of the *Chattam Sofer*. At the age of 95, he was killed in 1944 (5704) along with his students, by the Germans in Auschwitz. Interestingly, on every page of this *sefer* it states that one should not rely on the halachic conclusions that are in the book. However, *Maran* writes many times in *Yabia Omer* (vol. 2, O.C. 2:7; vol. 3, E.H. 18:14; vol. 5, E.H. 18:8; *Yechaveh Daat* 3:2; *Shulchan Ma'arechet*, vol. 2, p. 775) that one can rely on these rulings, since the author only wrote this statement in his book because of his great humility, but not because the book lacked proper research.

8 See *Chazon Ovadia*, *Sukkot*, p. 154, footnote 45; *Yalkut Yosef*, *Kibbud Av VaEm*, ch. 9, footnote 40; *ibid.*, *Sukkah*, pages 780–784.



death, it is not permitted to close the person's eyes before he has actually died, and one who closes the person's eyes prematurely is considered as if he killed the person by bringing about his death a moment sooner than it would have been had he not closed the person's eyes. The only exceptions to this are when donating a cornea or a kidney, since they are fully functional and able to be used for another person even after the donor has died.

The *Mordechi* (*Megillah* 798) writes that a person who is blind is allowed to recite kiddush for his family, even though he is not obligated in mitzvot. The *Mordechi* explains that since a doctor is able to heal him, and he has the possibility of being able to see again, he is therefore able to recite kiddush on behalf of another person, since he is not entirely excluded from mitzvot. Even fifty years ago, this *Mordechi* seemed strange, but nowadays this *Mordechi* makes sense, since now it is indeed possible for a person who was blind to regain his eyesight after the proper treatments.

A person who donates a kidney is putting himself into a situation of possible danger in order to save another person. The *Talmud Yerushalmi* (*Terumat*, end of ch. 8) records that Rav Imi was captured by robbers and was in a life-threatening situation. Rav Yonatan said that there is nothing we can do and we must accept his untimely fate. However, Reish Lakish said, "I am going to rescue him and either I kill them (the captors) or they kill me." Reish Lakish actively placed himself in danger in order to save his friend.

The *Chavot Yair* (*siman* 146) and Rabbi Chaim Abulafia (*Nishmat Chaim*, *Derushim* p. 11) rule like this *Yerushalmi*.

The *Sma* [acronym for *Sefer Me'irat Einayim*] (*C.M.* 426:2), on the other hand, notes that the *Rama* and *Shulchan Aruch* both omit this ruling from their writings. It is in no doubt due to the fact that the pillars of halachah, the *Rosh*, *Rif*, and *Rambam*, all omitted the ruling of the *Yerushalmi*. The *Aruch Hashulchan* explains that the reason all these *Rishonim* do not rule in accordance with the *Yerushalmi* is that the *Talmud Bavli* disagrees with the *Yerushalmi*.

It seems that the source from the *Talmud Bavli* is from *Masechet Niddah* 61a, that cites examples of people who were concerned about malicious speech, and brings the following story: "There were these people of the Galilee about whom a rumor emerged that they had killed someone. They came before Rabbi Tarfon (who was very wealthy) and said to him: Will the Master hide us? Rabbi Tarfon said to them: What should we do? If I do not hide you, your pursuers will see you and kill you. If I do hide you, this too is problematic, as didn't the Rabbis say: With regard to this prohibition against listening to malicious speech, even though one should not accept the malicious speech as true, one is required to be concerned about the harm that might result from ignoring it? Therefore, you must go and hide yourselves." Thus, we see that Rabbi Tarfon was not willing to put himself in a potential danger in order to save another person.

However, all of this is regarding when there is indeed a doubt if one is putting himself into danger, but when donating a kidney, the chances of actual danger are very small, in fact, 97%-98% of people are perfectly fine after donating a kidney, and can live very long and healthy lives afterward. *Yabia Omer* (vol. 9, *C.M.* 12) brings that this is the general consensus among doctors. The *Tzitz Eliezer* (Rabbi Eliezer Waldenberg, who was the Rabbi of Shaarei Tzedek Hospital in Jerusalem for many years) asked the doctors about this, and they also all told him that there is no issue at all. Therefore, since there is very little danger involved in donating a kidney, it is permitted to be done. If one's parent objects to

one doing so, one should explain to the parent that it is not only halachically permissible to donate a kidney, it is also medically not considered a significant danger.

## Honoring a parent who forgoes on his honor

The *Gemara* (*Kiddushin* 32a) states that it is permitted for a father to forgo on his honor, and his son is not obligated to honor him. However, it is not clear from this *Gemara* if Hashem still holds the child accountable for not honoring his father. We know that Yaakov Avinu was punished by having to mourn for 22 years over the loss of Yosef, because he did not honor Yitzchak Avinu and Rivka. Surely, Yitzchak and Rivka forgave Yaakov for not being home to honor them, yet, Yaakov was still punished. The *Chida* (*Shiyurei Berachah* Y.D. 240:9) proves from here that we see that a person is still held accountable in *Shamayim* for not honoring his parent even though the parent forgave the child. This also seems to be the opinion of the *Rosh* (*Tosafot HaRosh*, brought in *Shita Mekubetzet*, *Bava Metzia* 32a) who says that even if one's parent says that one does not have to stand up for him, one should nevertheless do a *hiddur* (slightly standing for the parent) when the parent walks into the room. This is also the opinion of the *Radvaz* (1:524). It seems that this halachah is dependent on if we say that the mitzvah of *Kibud av va'em* is a mitzvah that is *ben adam le'chavero* or *ben adam la'Makom*. If it is *ben adam la'Makom* then even though the parent has forgone on his honor, nevertheless the son is still held accountable for not honoring his parent properly.

## Kibud av va'em vs. doing a mitzvah that is ben adam la'Makom

Which mitzvah takes precedence when a person has two mitzvot, one of *kibud av va'em* and the other is a mitzvah that is *ben adam la'Makom*, such as the mitzvah of eating matzah or drinking the four *kosot* on the night of Pesach? In general, the halachah is that one must fulfill the mitzvah that is *ben adam la'Makom* first, since both a person and his parent are both obligated in doing the mitzvot that Hashem commanded us. This is similar to the *Gemara* (*Kiddushin* 31a) that states that a person must serve his father before serving his mother, since one's mother is obligated in honoring one's father as well.

## The importance of having good middot and the mitzvot of ben adam le'chavero

It is important to point out that a person who does a sin that is *ben adam le'chavero* (between man and man) is more stringent than doing forbidden relations! (see *Bava Batra* 88b). The *Rosh* (*Pe'ah* 1:3) says that Hashem wants people to do mitzvot that are *ben adam le'chavero* more than He wants mitzvot that are *ben adam la'makom*. The *Rambam* (*Genevot* 7:12) writes, "The punishment for the person who uses false measures is greater than the punishment for licentious behavior, for this is a sin between a person and his colleague, and this is a sin between a person and God." *Tosafot* (*Bava Metzia* 20b) says that the laws dealing with financial disputes is more stringent than the laws of prohibited foods and items. Rabbi Chaim Volozhin (*Nefesh HaChayim*, *Middot* 75) brings from the Vilna Gaon that a person's main challenge in this world is to work on the mitzvot that have to do with *ben adam le'chavero*. The *Chazon Ish* (*Ma'aseh Ish*,



vol. 2, p. 166) was once asked that if he could ask Hashem any request what would it be? The *Chazon Ish* answered that he would ask Hashem to give him the ability to never hurt another Jew's feelings.

Even though a person always has to speak to another person in a patient way and one must be careful not to ever hurt another person's feelings, nevertheless, there are times when it is permitted for one to speak in a strict tone and even in a strong worded manner. When speaking about Torah matters, especially in matters of halachah, one is permitted to speak or even write in a strong worded manner. We see this even in the *Rishonim*, as at times, the *Raavad* writes very strongly against the Rambam.<sup>9</sup>

When I speak about having good *middot*, I am referring to things that are *ben adam le'chavero*. A person has to pray to Hashem that he should live his life in a way that he never insults or hurts another Jew!

*Maran zt"l* would always ask forgiveness from people who he thought he may have insulted.

### A mitzvah that can be done by someone else

The *Braita* (*Kiddushin* 32a) says that if one's father tells his son to bring him a glass of water, and at the same time the boy has to help bury someone who passed away: if it is a mitzvah that can be done by someone else, then he should serve his father, but if there is no one else, then he should go and help bury the person who died. This is also the ruling of the *Shulchan Aruch* (*Y.D.* 240:12), and this is also the case when doing other mitzvot.

### Osek ba'mitzvah patur min hamitzvah - When one is busy with one mitzvah, he is exempt from doing a different mitzvah

When a person is busy with one mitzvah that is *ben adam la'Makom*, and he is presented with another mitzvah that is *ben adam le'chavero*, the *Shem Aryeh* (*Y.D.* 64) states that one says that one is still obligated in the mitzvah that is *ben adam le'chavero*, and we do not invoke the rule of "*Osek ba'mitzvah patur min hamitzvah*."

However, *Yabia Omer* (vol. 4, *Y.D.* 19:4) brings the opinion of the *Meiri* (*Moed Kattan* 9b) who states in the name of the *Ra'avad* that the mitzvah of *Talmud Torah* does not exempt a person from fulfilling other mitzvot that cannot be done by others, such as listening to the shofar, or shaking the lulav, or *kibud av va'em*, or helping to bury a person, since the main purpose of learning

<sup>9</sup> One of the boys who were orphaned after the Meron disaster, had asked a certain Rabbi if it was permitted for him to have music at his bar-mitzvah, since at the time he was still within the first year of mourning his father's passing. This rabbi told him that he is not permitted to have music. However, when I heard about this "ruling" I was very upset, as this is against a clear *Gemara* (*Moed Kattan* 14b) and *Shulchan Aruch* (*Y.D.* 396:3) that state that a boy who was under the age of bar-mitzvah is not obligated in the laws of mourning, even if he turns bar-mitzvah during the *shivah*! In such a case, I felt that it was important to speak up and tell people that this rabbi is mistaken in his ruling. When it comes to matters of halachah, one does not need to worry that the rabbi will be insulted that I have corrected him. Especially because I need to make sure that he learns to stop issuing off-the-cuff rulings without doing proper research beforehand.

Another time this same rabbi was asked if an *avel* is permitted to wear tefillin on the same day that he buried his relative. This rabbi permitted the *avel* to do so, even with a *berachah*, based upon his own reasoning. However, this "ruling" as well is against a clear ruling in the *Shulchan Aruch* (*Y.D.* 388:1) who states that one is not permitted to wear tefillin on the day of the burial, unless the burial takes place on a different day than the day that the person died. There is nothing wrong with a rabbi saying, "I am sorry, I don't know and I need to look this question up." A person should not be embarrassed to do his research before answering a question.

Torah is so that one can accomplish the mitzvot. Since the *Meiri* does not simply give the reason that *kibud av va'em* and burying someone is a mitzvah that is *ben adam le'chavero*, it seems that the *Meiri* held that all mitzvot are equal.

### A parent who asks his son not to wear a gartel when praying

Another example of a request that does not have any direct benefit to one's parent is if one decides that he wants to begin wearing a *gartel* (a type of cloth belt that is worn by *Chassidim* when praying) every day, and one's parent says that he does not allow him to do so since this was never the custom of Sephardim or even of the Sephardic *Gedolim*. Strictly speaking, one does not need a special belt for praying since one can rely on his regular belt that he always wears, or even the elastic on one's undergarments suffices for this purpose. Rabbi Yaakov Faragi (*siman* 59), who was the *Av Bet Din* of Alexandria, Egypt, about 280 years ago, says that a person who is more stringent than his family minhag is considered like he is belittling the previous generations, and makes it seem as if he knows better than them. Therefore, even though a person is not required to listen to his parent in this case, since it is a request that is not directly related to one's parent, nevertheless, one should listen to his parent because the parent is right for other reasons that simply make sense.

### Changing one's minhagim

There is a rabbi in Bnei Brak who is the Rosh Kollel of *Kollel Chazon Ish* who writes (sefer *Daat Yehudah*) that Sephardim should who are learning in Ashkenaz yeshivot should change their *minhagim* entirely, not only should they change the way that they pray, but they can also wear tefillin that are kosher according to the *Taz* and even recite a *berachah* upon wearing them! He states that Rabbi Lefkowitz also agreed to this ruling. He reasons that since this was also the ruling of the *Chazon Ish*, and the *Gemara* states that the halachah always follows the most recent opinion (i.e., "*halachah ke'batrai*").

When I saw this ruling, I said to myself that this rabbi simply doesn't understand the greatness of the Sephardic *Gedolim*. He must have not seen the *Radvaz* (3:564) who clearly states that the rule "*halachah ke'batrai*" only applies to Tannaim and Amoraim, and not to the poskim that lived afterward. This is also brought by the *Maharam Alshich* (*siman* 39), *Maharam Alashkar* (*siman* 53) and many others. Surely, just because the *Rama* passed away after Rabbi Yosef Karo, the rulings of the *Rama* do not override the rulings of the *Shulchan Aruch*! Unfortunately, many Ashkenazic poskim do not appreciate the Sephardic *Gedolim*, and do not even learn their *sefarim*. Just like we learn from the *Nodeh BeYehudah*, Rabbi Akiva Eiger and *Shaagat Aryeh*, they should learn our sefarim such as *Chikrei Lev*, *Petach HaDevir*, *Yafeh LaLev*, *Ma'mar Mordechai*, *Bet David*, *Rav Pe'alim*, and others! One cannot just disregard the Sephardic *mesorah* and great *Talmidei Chachamim* with just the wave of one's hand. Surely, if these Ashkenazim would properly appreciate the Sephardic poskim as well, they would not issue rulings that Sephardim should change their *minhagim*.