

JERUSALEM LETTER / VIEWPOINTS

Jerusalem Center for Public Affairs

VP:42 16 Cheshvan 5746/ 31 October 1985

THE END OF THE CHIEF RABBINATE?

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An Overlooked Development / The Origins of the Present System / The Dominant Role of the Chief Rabbinate / The Revolt of Shas / The Strengthening of the Moetzet Gedolei HaTorah / How Did this Come About? / A New Pluralism?

An Overlooked Development

After a period of quiet, Israel's Chief Rabbinate is again in the news, this time in connection with the hardline position on the Jewishness of the Ethiopian Jews, taken principally by Rabbi Avraham Shapiro, the Ashkenazi chief rabbi. While the issue of whether or not Ethiopian Jewish olim have to undergo at least symbolic semi-conversion to be considered fully Jewish is of immediate concern, during the past year there has been an astounding development in Israel's religious community of long range import which has gone unnoticed: the breakdown of the near monopoly over religious affairs held by the Chief Rabbinate. It may foreshadow the end of a system of centralized rabbinical control based upon European models, which has functioned for over two generations as the

primary authority in Jewish religious life in Eretz Israel.

The Origins of the Present System

The present chief rabbinate system with its two chief rabbis and single Chief Rabbinical Council, presiding over a neatly structured system of local chief rabinates and rabbinical councils, was inaugurated in 1921 at the beginning of the British Mandate over Palestine to replace the system which existed under the Turks. For most of the Ottoman years, the Hakham Bashi (as he was known to the Turks) or Rishon le-Tziyon (as he was known to the Jews) was elected by the Va'ad HaEdah HaSefardit (The Council of the Sephardic Community) and confirmed by the Ottoman authorities. He presided over the local Jewish community, retaining halachic

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authority while the Va'ad HaEdah handled civil affairs.

Since the Rishon le-Tziyon was a Sephardi, the Ashkenazim who came flooding into the country in the middle of the nineteenth century sought to remove themselves from his jurisdiction as soon as they were strong enough to do so. After 1860, they were increasingly successful in securing at least partial exemption from his authority, in part because they maintained foreign citizenship and were supported for political reasons by the European powers whose nationals they nominally were. As a result, by the time of the British conquest in 1917 the old system of Jewish self-government had broken down, especially in the religious sphere, and both the British and Zionist authorities felt it incumbent to do something about that.

In choosing the model they did, an official chief rabbinate and council, they not only gave Ashkenazim equal status to solve the inter-communal problem, they followed the model developed several centuries earlier in the states north of the Alps for Ashkenazic Jewry to enable external rulers to impose more uniform controls on the Jewish communities within their borders. In other words, it was a foreign importation imposed on the Jews, who had never known such an authority structure.

While the Ottomans tried to develop a similar model in their empire, the Sephardim resisted it. The Hakham Bashi for the empire, located in Istanbul, remained essentially a local figure, without authority beyond the capital and its environs. Where there was a local Hakham Bashi, he was in fact tied to the local community council of elected notables. This was the case in Jerusalem where the Rishon le-Tziyon was responsible to the Va'ad HaEdah HaSefardit.

It was the British, with the cooperation of the Zionist movement dominated by Ashkenazim, who managed to firmly establish the Chief Rabbinate in Eretz Israel. This was a result of a convergence of interests among the British, who wanted to impose some kind of order on Jewish religious life, the Zionists who wanted the same under Zionist auspices, and the Ashkenazim in general who wanted at least formal equality with the Sephardim. Moreover, the appointment of Abraham Isaac Kook as the first Ashkenazic chief rabbi gave the institution great status. Rav Kook's tolerant attitude toward the secular halutzim won him great support

among nonreligious Zionists, and the religious Zionists saw him as one of theirs.

The Dominant Role of the Chief Rabbinate

The ultra-Orthodox rejected the Chief Rabbinate from the first and established their own rabbinical courts, either through the Moetzet Gedolei HaTorah (Council of Torah Greats) of the Agudath Israel, which had been established outside of Eretz Israel in 1912, or through the various *batei din* (religious courts) to the right of the Agudah. But they represented a small and decreasing percentage of the total Jewish population in Eretz Israel in the interwar period. The official Chief Rabbinate soon came to command the loyalty of a large majority of religious Jews and the support of all the secular Jews who were under its jurisdiction.

The establishment of the state did not change things. The institutions of the Chief Rabbinate, Chief Rabbinical Council, and local rabbinates were reestablished within the same framework under Israeli law. Relatively few among the mass immigration were ultra-Orthodox, and the others accepted the existing patterns of authority. By the time the dust had settled after the mass immigration, it was fair to conclude that 95 percent of all Israeli Jews were within the framework of the Chief Rabbinate and its ancillary institutions, with only the 5 percent of the Jewish population that was ultra-Orthodox outside. Of the 95 percent, 20 percent were religious Zionists and 75 percent traditionalists or secularists who simply accepted the authority of the Chief Rabbinate as part of the natural order of things.

From the first, the Chief Rabbinate was dominated by Ashkenazim. That domination reached new heights after the death of Sephardic Chief Rabbi Ben Zion Hai Uziel in 1953, the last of the old line Sephardic religious leaders. Then the Ashkenazic religious establishment came to play the decisive role in choosing which Sephardim would be elevated to the Chief Rabbinate and other key rabbinical positions. Nominally equal, the Sephardic religious leadership was fully dependent upon Ashkenazic politics to advance.

The Revolt of Shas

The establishment of Shas (Sephardic Torah Guardians), a political party which emerged in 1984 out of the breakdown of Agudath Israel and the

shattering of the National Religious Party, has fractured that status quo. One of the first acts of the new party was to establish the Moetzet Hakhmei HaTorah (Council of Torah Sages), a Sephardic counterpart to the Moetzet Gedolei HaTorah, under the leadership of the former Rishon le-Tzion, Ovadia Yosef. Hakham Ovadia is recognized as one of the greatest halakhic authorities in contemporary Israel, not only by ordinary Orthodox Jews but even by many of the ultra-Orthodox. Hence when he was disappointed by being denied reelection to the position of Sephardic chief rabbi, he threw his support behind Shas.

This sent shock waves through the whole system. While we have no figures, there is no doubt that many Sephardim who are far from being ultra-Orthodox look to Ovadia Yosef as their halakhic authority because of his status and because the present Rishon le-Tziyon, Mordekhai Eliyahu, does not approach his stature as a halakhist in their eyes. Moreover, they view—quite accurately—the official Chief Rabbinate as Ashkenazi-dominated despite the formal parity. Thus, if only slightly more than half of the Sephardim recognize the Moetzet Hakhmei HaTorah as their halakhic (though not necessarily political) authority in place of the Chief Rabbinical Council, it would give the former approximately one-third of the Jews in Israel as its constituency. There is every reason to believe that the percentage is even higher than that.

The Strengthening of the Moetzet Gedolei HaTorah

When the followers of the Moetzet Gedolei HaTorah, an increasing percentage in the Orthodox community because of the movement to the right that is taking place, are added to that figure, the official Chief Rabbinate is left with the allegiance of only about half of Israel's Jews, and the percentage may be even less than that. Thus, willy-nilly, there is now a tripartite division of religious authority in Israel, not counting the ultra-ultra-Orthodox *batei din*.

This division is even sharper than these percentages indicate because numbers do not tell the whole story. Given the rightist and fundamentalist tendencies of our time, the Moetzet Gedolei HaTorah has an influence beyond its percentage of actual adherents. So too, given the new assertiveness of the Sephardim and the fact that Ovadia Yosef is considered reasonably liberal in many cases, the Moetzet Hakhmei HaTorah also has a broader influence than the percentages indicate. Today it is

hard to think of the official Chief Rabbinate having any particular status, other than its legal status, in the minds of Israelis. Indeed, there has been a stir of activity in the National Religious Party to try and reestablish the base of support for the Chief Rabbinate in order to counter this trend. But the low profile of the present chief rabbis in everything but the issue of the Jewishness of the Ethiopian Jews has not made that task easier.

How Did This Come About?

Ironically, these changes have their origin in what was thought to be a liberal breakthrough expected to transform an increasingly conservative Chief Rabbinate into a more flexible and open body. The election of Rabbis Shlomo Goren and Ovadia Yosef to the Chief Rabbinate in 1974 was championed by many as representing the introduction of more modern and liberal thinking into that institution. Instead, Rabbi Goren almost immediately embroiled it in controversy, first with his Sephardic counterpart in an effort to gain dominance on the Chief Rabbinical Council, and then in various ways with different comers. Recognizing that he had antagonized so many people, as his first term came to an end he made his peace with Yosef and persuaded the Government and the Knesset to automatically extend their terms for another five years without elections. The price of that suspension of the rules was that both chief rabbis agreed to a single ten-year term with no possibility for reelection.

As the end of the ten years approached, Rabbi Goren began a major campaign to change the law once again, to allow the reelection of the incumbents. While he obtained the backing of then Prime Minister, Menachem Begin, the Knesset rebelled, insisted on maintaining the law, and turned the two men out, with the aforementioned consequences. By the end of the struggle, the Chief Rabbinate had lost whatever remaining dignity it possessed (some of which has been restored by the present incumbents who, if not highly visible, are not prone to public controversy either and have conducted themselves with considerable dignity in office). New antagonisms had been engendered within the religious establishment, and the groundwork had been laid for the break which came.

The final irony is that, while most of the public attacks on the Chief Rabbinate have come from the religious and political left, the breakdown

of its monopoly is a result of actions of the religious right. Both sides have their own reasons for trying to break the monopoly. The right has succeeded in advancing its position, but cannot know — as none of us can — what the unanticipated consequences of its actions will be.

A New Pluralism?

The Chief Rabbinate does retain its legal status as the sole custodian of state supported Judaism. That is no small matter. But, to the extent that a gap is growing between its official powers and its public support, it is entering into an increasingly untenable situation. In fact, the new system emerging is more authentically Jewish than the present hierarchical system.

What is emerging is a new authoritative balance in the religious camp which will affect all the Jews of Israel and, for that matter, the world. There are three significant competing higher rabbinical

authorities, each with substantial numbers of adherents here and in the Diaspora, with the official Chief Rabbinate for certain purposes the least important of the three. Under these circumstances it will be increasingly difficult for the Orthodox camp to restrain the spillover effects of pluralism. That is not to say that the state will soon recognize non-Orthodox rabbis, but it certainly does make the possibility more real in the long run.

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