

THE CHIEF RABBINATE IN THE LAND OF ISRAEL

by

Israel D. Lerner

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A P P R O V A L

This dissertation, entitled

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by

Israel D. Lerner

Candidate for the Degree of

Master of Arts

has been read and approved by

R. Patai

B. Weing

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In memory of my beloved
father, Rabbi Eliezer Lerner,
who instilled in his family
an undying love for the
Land of Israel.

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C O N T E N T S

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P R E F A C E

The purpose of this study is to gather, sift , analyze and evaluate the available source material pertaining to the emergence of the Chief Rabbinate as an official institution in the Land of Israel.

The analysis is more of an historical one than a sociological one. It is not pre-occupied with present conditions as much as with past occurrences, which have prepared the ground for the present situation. It concludes with the Mandatory period. The division of the chapters, too, follows a chronological as well as topical pattern.

While references are made to the rabbinate of various Holy Land communities, that of Jerusalem is studied in greater detail. During the period of the Palestinian rabbinate's major development and growth, the community of Jerusalem was the largest and most influential of all. The city became and remains the seat of the Chief Rabbinate. Consequently, the various institutions and personalities mentioned are of Jerusalem unless otherwise specified.

The source material used falls into five categories: rabbinical writings, including responsa, commentaries and halakic works which contain historical references; communal

papers; autobiographies and memoirs; periodicals and newspapers, and official governmental documents.

Where certain details were not known, especially concerning the practical workings of the Rabbinate in our era, or where clarification of ^{recent} historical details were needed, the method of personal interview was used. Thus, I must record my debt of gratitude to Rabbi Isar Yehudah Unterman, Chief Rabbi of Tel Aviv-Jaffa. When he visited these shores three years ago, he graciously consented to answer a series of questions exclusively for this thesis. Rabbi Shimon Efrati, connected with the office of the Chief Rabbinate in Jerusalem, and the head of its department for marriages and divorces*, was also very helpful. For their kindness, may they receive the blessings of a grateful pupil. All in all, however, I attempted to balance rabbinic source material with the writings and points of view of laymen. The few general works mentioned, such as encyclopedias, were used to verify known facts only.

Having to deal with writings which are mainly in Hebrew, numerous translations of my own were required. In quoting from these writings, I endeavored to remain as literal as possible while preserving the original style of the authors, and the intent they meant to convey.

In transliterating names, titles of various works and terminology, a modified form of the rules adopted a half a

* He now heads the Department of Kashrut.

century ago by the Editors of the Jewish Encyclopedia was
(a)

followed. I have veered from these rules only when such

a name or term has appeared and gained common usage, in a

(b)
different form, or where for the purposes of clarification

of the correct pronunciation, as presently used, a letter was

added or omitted. As far as possible, I checked and rechecked

pronunciation of family names. In the matter of first names,

the original Hebrew pronunciation was preserved unless the

person involved was wont to use an English form as well. A table

of transliteration from the Hebrew will be found under Appendix III.

I wish to record my indebtedness to Dr. Abraham A. Neuman, President of Dropsie College for his encouragement in my undertaking of this topic, Dr. Raphael Patai and Dr. Bernard D. Weinryb, who afforded me unfailing guidance in the course of my work. I am deeply indebted to these two scholars. My thanks also goes to Dr. J.C. Hurowitz, Dr. Moshe Perlman, of the College's Institute of the Middle East, and to Dr. Solomon Zeitlin, Chairman of the Rabbinics Department, for their interest and suggestions.

The office of the Chief Rabbinate in Israel; Rabbi Yehudah Leib ha-Kohen Maimon (Fishman), first Minister for

(a) (Headed by Dr. Cyrus Adler).

"The Jewish Encyclopedia" New York-London 1901. Vol. I. Page III.

(b) Note, for example, the spelling of Rabbi Kuk's name. KOOK was the preferred original form. But Dr. Jacob Agus in his book "Banner of Jerusalem", Bloch Publishing Co., New York 1946, uses the form KUK throughout.

Religions in the State of Israel; the Department of the Rabbinate in the Ministry for Religions and its head Rabbi Dov Katz, were all most helpful in supplying me with much needed bibliography. Invaluable service was rendered to me also by the courteous and patient library staffs of the Dropsie College in Philadelphia; Yeshiva University, Jewish Theological Seminary, Zionist Archives, and the Hebrew Section of the Public Library in New York City; and the Library of Congress, Washington, D.C.

Finally a note on the numbering of notes and pages. The numbers are in order through the introductory section. However, in the process of revising what was originally intended to be a longer dissertation into an M.A. thesis, one section was omitted and consequently part I. begins with P. 105 and note 169.

IV.

Israel D. Lerner

INTRODUCTION--

The Beginnings of a Chief Rabbinate in the Land of Israel

During the Ottomen rule over the land of Israel, the Sephardic rabbinate possessed more official influence than did the Ashkenazic. This influence was not always a direct one. For, actually it was the "Hakam-Bashi", the Chief Rabbi, in Constantinople who represented all the Jewish communities (1) throughout the Empire. However, the Palestinian Sephardic rabbis, because they were Sephardic, were in a better position to utilize his services than their brethren of the other community.

The Turks had a concept of "millet⁽²⁾" (nationhood or peoplehood), where their religious minorities were concerned. "The system thus denoted (millet⁽²⁾) implied

- (1) A special ordinance confirming this was issued on May 5, 1865. See "Knesset Yisrael b'Eretz Yisrael" by Moshe Attias. Vaad Leumi Publication. Jerusalem 1944. Page 87.
- (2) The word "Milla" in Arabic actually means religion or rite. "In the Koran it always means (even in the somewhat obscure passage Sura 38.6) 'religion' and it is used of the heathen religions as of those of the Jews and Christians" (The Encyclopedia of Islam. Vol. III. Luzac & Co. London 1936. Page 497-498).

that the Sultan granted autonomy in varying measures to bodies of their non-Moslem subjects, who were classified according to the dignitary whom they recognized as spiritual (3) Chief."

The controversial historian Arnold J. Toynbee describes the millet system as follows: "Indeed the millet system of the Ottoman Empire was merely a systematically organized (4) version of a communal structure of society. "

At any rate the Turks accorded the minorities, an

(3) "The Making of Modern Turkey" by Sir Harry Luke. Macmillan and Co. Ltd. London 1936. P. 7.

(4) "A Study of History" Oxford University Press London 1954. Vol. VIII. p. 275

autonomous status along religious lines. Thus, immediately after the capture of Constantinople in 1453, both the Greek Orthodox and the Jewish populations were so constituted. (5) In doing so, the Turks neither recognized nor dealt with separate congregations of one religion. They did however permit Sephardic rabbis in the Holy Land's larger communities to bear also the title of Hakam-Bashi, and (6) with the Hakam-Bashi in Constantinople acting (7) as an intermediary, they allowed them access to the authorities. However, the "Rav Agechesi" (Rabbi's asper tax) had to be paid. "It was an annual tax paid by Jewish communities of the Ottoman Empire for the privilege of having a chief Rabbi appointed and recognized by imperial rescript." (8) The tax amounted to 600 aspers.

(5) Ibid. Vol. IV. 1929. Edition Page 964.
"Turkey" by I.H. Kramers.

(6) "Knesset Yisrael b'Eretz Yisrael" page 88.

(7) Istanbul of today.

(7) Notes and Documents from Turkish Archives"
By Bernard Lewis. Oriental Notes and Studies
Series (no. 3) Published by Israel Oriental
Society, Jerusalem 1952. P. 43

The first Hakam-Bashi in the Turkish Empire was Moses Capsali
(1420-1495) who took office as stated in 1453. The Turks had a
benevolent attitude towards the Jewish population at that time. As
a matter of fact, Mohammed the Conqueror, who conquered Constantinople that year, issued a proclamation three days after the conquest, inviting all inhabitants to return to the city and rebuild their religious institutions. The Sultan felt equally disposed to Jews and Christians in the granting of these favors. Now since there existed for the latter the office of Patriarch, a similar office had to be created for the Jewish population. The essentially Hebraic term

(9) "Toledot Gedole Yisrael" by Mordecai Chironi.

(10) He reigned from 1451-1481.

"hakam" (rabbi) was coupled with the Turkish term "bashi"
(11)
(chief) and so the office came into being. Indications
are that the first appointment was made by the Sultan, but
subsequent ones were merely confirmed by him, with the
Jewish community of the capital, through its leaders, elect-
(12)
ing the candidate.

- (11) Saseon Manuscript. Ed. by Professor S. Assaf.
Sinai. Vol. III. (1939) P. 149-158.

see file of thesis

- (12) "She 'alot U'tshubot Rabbi Eliyahu Mizrahi"
1938 edition. Jerusalem No. 15.

Another rabbinical title came into vogue in Palestine alone. The year was 1745. At that time Rabbi Nissim Hayyim Mizrahi was accorded the appellation "Rishon L'Ziyon" by (13) the Sephardic Jewish community in Jerusalem. It was an unofficial title and seemingly was used to designate the foremost rabbi. It may have been Jerusalem's answer to the Turkish capital. At any rate, it became coupled a century later with the title of Jerusalem's Hakam-Bashi when the latter office was established.

(13). "Keser Sham Tov" by Shalomtov Gaguine. 1934. ed. London, P. 249.

Rabbi Hayim Avraham Gagin (or Gaguine) was the first Hakam-Bashi in Jerusalem. For a period of six years- 1842-1848 - ⁽¹⁴⁾ he served as the community's official rabbi and, because of Jerusalem's importance, ⁽¹⁵⁾ as the spokesman for all Palestinian Jewry.

The precarious economic situation and the overriding importance of Halukah monies, wills and legacies, harassed the Hakem-Bashi, ⁽¹⁶⁾ but letters remaining in his archives indicate that his position and prestige were accorded full recognition. Thus,

(14) "From the Archives of the Hakam-Bashi, Rabbi Hayim Avraham Gagin" (Hebrew) by Ben-Zion Dinur. "Ziyon" Jerusalem 1926. Page 85.

(15) ~~See Note 1632 concerning~~ ^{is} the theory that the Turkish community wanted to ease the burden on their own Hakem-Bashi and persuaded the Sultan to appoint one for Jerusalem and Palestine.

(16) "She'alot U'tshubot Hukey Hayim" Jerusalem 1843. No. 36.

Sir Moses Montefiore addresses himself to Rabbi Gagín as
(17)
follows:

"With the help of G-d, Monday, 21st day of Tamuz,
5644 (1844).

"May life and peace never be withheld from the Rabbi,
the Hakam, our teacher, Rabbi Hayim ~~Ay~~raham Gagín, who leads
the community of Israel in the Holy City of Jerusalem, may it
speedily be rebuilt....

...And I want to notify His Honor that I shall never agree
to establish a school in the Holy City without according the
sages of Jerusalem the power to lead the pupils and teachers
as they wish in the Torah of G-d and in awe of Him....."

The obvious fact emerging from the letter is that
Rabbi Gagín was the recognized leader of the rabbinate to
whom communications affecting it were addressed.

Rabbi Gagín conceived his role as that of a peacemaker
among the various factions in the community. The initiative
may have been taken by others, but he was always ready to
lend his good offices to Ashkenazim, as well as Sephardim.
Thus, in 1845 the question of Halukah, "shelihim" and monies
came to a head in the Ashkenazic camp. The leaders of the
Perushim (or Mitnagdim) and of the Hassidim finally

(17) Letter was published by Ben-Zion Dinur op. cit.
in "Zayon". P. 88

came to an agreement which was signed in the presence, and with the assistance and approval, of Rabbi Gagin and his "bet-din".

(18)

The agreement was as follows:

"Our feet were standing in thy gates Jerusalem.... and when there were gathered the heads of the community of Israel, the rabbis, appointees of the holy congregation of Perushim....and the rabbis appointees of the Kolelim of the Hassidim in the holy cities of Jerusalem, Safed, and Tiberias, may they be rebuilt...and so talked the pious ones in truth and peace concerning the matter of the land of Hungary, since there was an agreement there from both sides by their representatives before the great Gaon.... Moshe Sofer may his merit protect us, head of the Bed-din of the holy community of Pressburg in the year 1837....(therefore let us agree too)...."

The document then continues with the words of Rabbi Gagin:

"And now we.....have seen all this written above and the signatures....according to what they were empowered, which the rabbis from both sides brought and which suffice according to the Law and the words of the sages...and to strengthen the matter further they made an announcement in the synagogues on the Sabbath before the people and no one remonstrated;

also we have seen that they have asked forgiveness and placated each other in peace and righteousness. Nevertheless, with all this, they asked me also to add my signature to enforce the agreement and peace which they established and (they said) that our signature is of a necessity to them to maintain the peace....therefore, here is the seal which his majesty the Sultan granted me."

(19)
Hayim Avraham Gagin.

III

Why were the Ashkenazim excluded from such a role?

One answer is that "All the chief rabbis were of the Sephardic congregation because the Sephardim knew the language and the customs of the rules of the countries". Another answer is: "The Sephardim fulfilled the requirement of being Turkish subjects, sons of Turkish subjects" (20)

(19) See Section VII of this chapter for an explanation of the term.

(20) See "Jewish Self Govt. in Palestine" by M. Burstein. 1934

From the Official language of the document of appointment of a Hakam-Bashi, it is obvious that the second reason was the deciding factor in favoring the Sephardim. For example a proclamation from the year 1864 reads as follows: ⁽¹⁵⁴⁾₂₁

"Since the Hakam-Bashi is head of the whole Jewish community, and through him will be established the laws of the noble Government, it is incumbent upon the chosen one to be a person of authority and deservant of the trust of the Government as well as of the Jewish community; (he must be) modest, possessor of laudable characteristics; and that he, his father and grandfather were ⁽¹⁵⁵⁾₂₂ (and are) citizens of the Empire, may its glory rise on high; a man in which there is no evil, but is known for positions he faithfully fulfilled, and is exceedingly versed in both temporal and spiritual matters. His years must

proof

(~~154~~) ⁽²¹⁾ This ordinance was translated by David Yellin and published in "Yerushalayim" of A.M. Luntz Vol. IV. page 188.

(~~155~~) ⁽²²⁾ Neither Attias nor Burstein quote this official document. But it would definitely seem that this particular sentence is the crux of the matter, and therefore the reasoning of Attias as to why Ashkenazic rabbis were excluded, is the correct one.

not be less than thirty nor exceed seventy.
But should he have reached seventy during the days of his service, and his condition in body and spirit shall not prevent him from fulfilling his task, then his advanced age shall not be a detriment or cause for removal from his position. All the activities of the Hakam-Bashi must be absolutely in accordance with the laws of the exalted Government, and his energies must be directed to execute them, and with his whole power he must prevent those who would disobey the laws of the Government or preach publicly against them, and upon him devolves the responsibility for all deeds which oppose the aforesaid."

From all this, it is clear why Sephardic rabbis were favored, and which type of Sephardic rabbi would so be favored.

In keeping with the above ordinance, the chief rabbis were appointed. The process of the appointment of a Hakam-Bashi for Jerusalem and automatically for the Land of Israel, ⁽¹⁵⁶⁾ a process

(156) Just as the Hakam-Bashi of Istanbul was for the whole of Turkey.

(203a)
begun in 1842 is described, albeit briefly,
by one so chosen:

24
(157)

"In the month of Tevet 5653 the great
Rabbi, Rabbi Avraham Ashkenazi, was called to
his heavenly rest, and on the fifteenth day of
Shvat the entire (Jewish) populace, dwellers
in our Holy City, may it be built and strengthened,
Sephardim and Ashkenazim appointed me unanimously
(157a)
(158)
to serve them in holiness."

Several points become clarified at once
from reading these words.

There was no official election. The use
of the word "appointed", rather than "chosen",
connotes that the appointment was decided by

(83a) Rabinowitz; P. 144, as distinct from
the earlier establishment of the Chief
Rabbinate of Istanbul. It is his
opinion that Jewish leaders in Istanbul
were responsible. This may have been
done to ease the burden of their Hakam-
Bashi. However M.D. Gaon in Vol. II.
P. 179, places the credit at the door
of Jerusalem's Sephardic Jewry, who were
sufficiently influential by that time
to impress their worthiness on the Turkish
authorities. The first one to occupy
this position was Rabbi Hayim Gagin.

(157) 1893.

(157a) In the Hebrew text the word is (אין) אין
not (אין) אין .

(158) From the words of Rabbi Yaakov Shaul
Elashar quoted under the entry of his
name in "Yehudey ha-Mizrach b'Eretz Yisrael"
Page 65. Vol. II.

the communal leaders. The phrase that the whole populace was unanimous concerning this appointment, seems to indicate merely that they must have given him a tumultuous reception, or that the announcement of the communal officers set off a mass celebration. It is inconceivable that the term "appointed" would be used, if any sort of a representative election would have taken place.

Among the communal leaders who were called to deliberate on the choice of a new Hakam-Bashi, the rabbis played the prominent role. For the most active communal leaders were those in charge of the disbursement of Halukah money on which communal institutions and individuals subsisted. (159) With the Sephardim, "The rabbis were the trustees and appointees for everything sacred and for every institution of charity." (159a)

cf. folio 159a

Yet another reason made it imperative that the rabbis be consulted on this all-important appointment of a chief rabbi. By the imperial ordinance of the Sultan, the wishes of the previous Hakam-Bashi had to be respected. "All

(159) See Chapter I. Section VI. Note 77. Also the material indicated in note 90.

(159a) "ha-Yishuv ha-Yashan" by A.M. Lifschutz. ha-Hed, Elul. 5694. Sept. 1934. P. 8.

that the Hakamim would command before their death, according to the rules of their religion, unto the congregation...their will (29) is to be verified and executed."

The term "hakamim" in the deceses is noteworthy. Actually it may be said to refer to all Sephardic rabbis. The decrees merely picked up the title in use by Sephardic Jews. In itself, (30) the term "hakem" dates back to Talmudic times, and designated the assistant to the Ab-Bet-Din. Both headed the Sanhedrin together with the Nasi, who was the chief religious leader and head of the Jewish community. In the late Middle Ages, the term became prevalent in Spain as designating all rabbis. From there the exiles brought it to Turkey. However the term Hakem-Bashi, was used first in Turkey.

(29) "Yerushalayim" ed. by A.M. Luntz. Vol. IV
Page 180 Trans. by David Yellin.

(30) Tractate Horayot 13B.

Each Hakam-Bashi exercised some privilege of designating his successor by indicating in his will or during his lifetime such a choice. But these choices fall into a pattern anyway. The typical procedure was that of choosing a Hakam who had served previously in one of the larger communities in Israel, and then joined the Bet-Din in Jerusalem, and became the right-hand assistant of the then officiating Hakam-Bashi.

(31)

(31) "Yehudey ha-Mizrah" See Elyashar"

However, his specific rabbinical authority was not excessive. He did not exercise individual judgment on weighty public matters. He would consult his leading colleagues when these questions came before him. In Jerusalem, this Sephardic Rabbinical Council, aiding him, functioned as follows:

There were four "Batey-Din" and four "Abot-Batey-Din".
(33) These then formed the Council to advise the Hakam-Bashi as well as to appoint new members to the religious courts. All in all there were twelve "dayyanim". But the number of these courts fluctuated, and so did the positions held by its leading rabbis.

Thus we find that in 1872 there were only three such courts, and that each was composed of three members who served for periods of four months as the chairmen of such courts. Looking over the names we meet prominent family surnames, which were borne by past and future Sephardic chief-rabbis: Names like Gagin, Elyasher, Uziel.

(32) "Ha-Yishuv Ha-Yashan." op. cit.

(33) Courts of Religious Law and rabbinical chairman of these courts.

(34) Ibid.

(35) "Havazelet" No. 29 Year 1872.

The Ashkenazim did not, by and large, use these courts. Politically, too, they had recourse to their (35a). European consular officials . Nevertheless, the intermediary powers of Hakim-Bashi before the Turkish authorities were helpful to the Ashkenazim.

Much pomp and ceremony surrounded the Hakam-Bashi during state occasions.

He used to wear special garments: A black and long jacket embroidered with silver threads, and a broad gleaming tassel attached to his headgear. Two servants, dressed in Eastern garb, would precede him on official visits, tapping constantly with silver-topped canes which had embedded in them his official seal. The guards and military band, stationed outside the government house, would accord him the same honor as reserved for foreign consuls and religious Patriarchs of Christian denominations. The government recognized him indeed as the head of the Jewish community, and through him were its decrees carried out. (36)

(37)

The position was a life-time one.

(35a) "Yerushalayim Lifney Shmonim Shanah" in Toldot Bet Sefer" by Yeshayahu Press. Jerusalem 1936. Zionist Archives of Jerusalem. Page 5-6.

(36) "Yehudey HaMizrach" Vol. II. P. 179
See Gagin, Hayim Avraham".

(37) (Sultan's decree of 1856)
"Hatti Humayan"

The Chief Rabbis who officiated since the Mandatory period, occupied their positions in keeping with this tradition. Rabbis Meir and Uziel of the Sephardic community and Rabbi Kuk of the Ashkenazic held lifetime offices.

PART I. THE Sephardic Rabbinate of the Old Yeshuv-Organization
and Activities

Let us turn our attention and examine the religious, theoretical as well as practical, training and preparation required of the average Sephardic Hakam.

The Sephardim established Yeshivot, but a Yeshiva education was not a prerequisite for rabbinical ordination, nor was it even as widespread as among the Ashkenazim.

"The learned ones were the Hakamim of the city who gathered for Torah studies, and each Hakam used to extend his supervision over two or three young men, who would absorb Torah lessons from him and there were established hours or time-limits. These young men would attend their rabbis on every holy and public occasion."⁽¹⁶⁹⁾

(169) A.M. Lifshutz quoted Chief Rabbi Ben-Ziyon Uziel in "ha-Hed" Sept. 1934. P. 7

In our modern terminology, this would be called a course in practical rabbinics.

The Yeshivot which did exist, were, in a sense, truly remarkable.

The European emancipation with the resultant cultural flowering and rebirth of Hebraic literature, in brief the Haskalah, which came into conflict with entrenched Yeshiva ideas and ideals, found little resistance in the Sephardic Yeshivot. Haskalah was accepted, absorbed and assimilated. To be sure it was an abbreviated and attenuated Haskalah, but nevertheless, it was there. As attested by those who visited these Yeshivot: "It is a common occurrence to find in a Sephardic Yeshiva side by side words of 'Sh'elot U'tshubot', Kabbalah, Mussar, religious philosophy and neo-Hebraic books like 'Ahavat Zion' and 'Ashmat Shomron' of Avraham Mapu". If the Sephardic rabbinate was more liberal in its attitude than the Ashkenazic, and facts, contrary to opinion, prove it to be so, the special attitude of the

(170) "Yerushalayim" ed. by Prof. Sukenik.
1928. See article of Dr. Joseph Rivlin.

(170a) See the succeeding chapter, section IV.

Sephardim to Haskalah might have been largely responsible.

This would have been unthinkable in the Yeshiva of Volozhin, for example. It is enough for us to contemplate the testimony of Hayim Nahman Bialik in his epic poem "ha-Matmid", wherein fact and fiction intertwine, that such a sin would have caused the transgressing pupil to be sent packing without too much ado!

In 1862, there existed nineteen Sephardic (171) and two Maaravic Yeshivot. They were headed by the leading Hakamim, so that there was no need for an exclusive "Rosh Yeshiva". As we find: "In Bet Yaakov Perara, they learn every Sabbath. At its head is the Rishon l'Zion (172) Rabbi Avraham Ashkenazi, (and there is a) Yeshiva in the house of the head of the (Rabbinical) Council, our Rabbi, Rabbi Meir Panizel". (173)

The term Rishon l'Zion employed here refers to the Hakam-Bashi of Palestine as the

(171) "Yehudey ha-Mizrah" Vol. I. P. 132. All of these were centered in Jerusalem. By that time Safed had long passed its peak of glory, and the other communities were small in numbers.

(172) i.e. The Hakam-Bashi

(173) Ibid.

"first" in Zion in contradistinction to the Hakam-Bashi of Constantinople or of any particular city. It seems to have come into vogue in 1842 when the term Hakam-Bashi was definit^ely established as the title for the head Sephardic rabbi of Palestine.

At times, well-to-do members of the Sephardic community would establish private Yeshivot in their own name. Such Yeshivot would be for a limited number of Hakamim, rather than for young students, and its purpose was for the edification of the patron.
(174)
By having ten Hakamim gather to study the Talmud and its commentaries, the patron would be performing the good deed and commandment of studying the Torah, albeit by proxy.
(175)

These Hakamim would receive an annual stipend of ten napole^oons and higher, and only outstanding scholars would be called to join such a Yeshiva.
(176)

The fact that quite a few such houses of

(174) This was the usual number, so that they may compose the needed quorum for prayers.

(175) "Zikronot l'Ben Yerushalayim" by Yehoshua Yellin. Jerusalem, 1924 Page 119.

(176) Ibid.

learning were established, speaks well for the number of ~~Hakamim~~ and calibre of ~~Hakamim~~ⁱⁿ Sephardic circles even though it does not indicate their degree of scholarship as compared with that of the Ashkenazim.

The private Yeshivot could not exert an influence on the Sephardic rabbinate. But neither, to a large extent, did the communally recognized ones. For as noted above, much important rabbinical training was passed on through direct demonstration and observation. Therefore the ~~Hakamim~~ themselves, who were part and parcel of the active ~~Rabbinate~~, exercised the greatest influence in this regard. They were the character molders of the rabbis to be. They too were the ones who ordained new ~~Hakamim~~. Theoretically, each candidate had to be approved by the Hakam-Bashi, but the latter would rely on the recommendation of the candidates's own rabbi and mentor.

why?

This whole process of Sephardic ordination is described succinctly as follows:

"A pupil who reached ordination, would dress himself in a (rabbinical) gown, by

permission of the highest among the Hakamim (177)
 and finally would be allowed to preach publicly.
 And they would publicize his (forthcoming)
 sermon, and he would begin with flowery Hebraic
 phrases, and (he) would then ask permission
 from the leading Hakamim who appeared, and (he)
 would preach in matters of 'halakah' and (178)
 'aggadah' connected with that particular date.
 (179)
 And this constituted his public ordination."
 No other existed.

Again we cannot escape noticing the
 difference between the Sephardim and Ashkenazim.
 The former stood for flexibility while studying,
 little censorship; the latter rigidity,

how
 do you
 know?

- (177) An obvious reference to the Hakam-Bashi. However if any Hakam outside Jerusalem carried the title, as some were permitted, the prospective rabbi needed to go no further than the chief rabbi of his community.
- (178) i. e. Based on the Biblical portion of the week.
- (179) From the words of Rabbi Uziel. "Ha-Hed". Sept. 1934.

(180)
forbidden books. The former, direct observation, practicality, care of and for customs and ceremonies; the latter theoretical discussions, casuistry, faith in books, with customs and ceremonies to be learned on one's own time. The former, a systemized ordination, rabbinical powers to be derived from the leading Hakam; qualifications established in relationship to ^{the} public as a traditional teacher and preacher; the latter, ordination haphazard, granted by any individual rabbi, qualifications consisting of proving one's knowledge in answering a series of difficult and involved questions on the ritually permitted and forbidden, as well

2
p. 11

- (180) Professor Zevi Sharfstein in his work "ha-Hinukh b'Eretz Yisrael b'Ashkenaz" in "Suva" Jerusalem 1954 Page 335 cites Rabbi Nehemyah Kahanov as an example of a tolerant and broadminded Ashkenazic rabbi. "He did not act prejudicial towards those who leaned to Haskalah". Rabbi Kahanov headed the Yeshiva Etz Hayim in Jerusalem during this period! But the fact that the old rigid curriculum was retained under his leadership supports our view. See note (234) later on. Even with the aid of Sir Moses Montefiore, Rabbi Kahanov, a truly tolerant personality, was unable to break through the Ashkenazic mores of that time!

as questions on religious jurisprudence topped off by a "talk or conversation in learning" between examiner and examinee!

Yet certain Sephardic rabbis attempted to bridge the gap. These efforts, to bring the Sephardic and the Ashkenazic rabbis together, proceeded on two planes:

One was the incorporation of conclusions from latter-day Ashkenazic Halakic works, in the rendition of religious decisions. Another was to encourage worthy young men in their rabbinical studies, no matter what their origin. And we have even a case of Sephardic rabbi ordaining an Ashkenazic one in pre-World War I Days. 7

This took place in Safed. The facts known concerning the rabbi responsible for it, illustrate as well the other points mentioned.

"My father and I became acquainted with the highly pious and aged scholar Rabbi Shelomoh Eliezer Alfandari, of blessed saintly memory, the Chief Rabbi of the Sephardic community in

(180a) "Peri Etz Hadar" by Rabbi Yizhak David Esrog. New York 1952. Vol. I. P. 23. Rabbi Esrog was the Ashkenazic rabbi involved, and served in Safed and Haifa prior to coming to the U.S.

(181)
Safed, who was then about ninety and spry
with youthful energy as a young man. He had
(182)
the largest library in the Holy Land, works
in all aspects of the Torah, 'Sh'elot U'
Tshubot' of earlier and later sages, Ashkenazic
and Sepharic scholars, and carried on a high
plane his religious leadership

"Before I left for America, the Rabbi
gave me his approval to judge and teach, as a
rabbi, in all parts of Jewish law, and this
was a rare thing for he generally refrained
from handing out ordinations and endorsements." (183)

In a way this is not surprising. For
despite all differences, the Talmud and its
commentaries were the basic works in the
higher education of the Sepharim as well as
the Ashkenazim.

cf. earlier

(181) 1912

(182) i.e. private library

(183) Page 23. op. cit.

Finally, in our discussion of the relative merits of the Ashkenazic and Sephardic rabbis, and the liberal attitudes of the latter, one reservation must be made: The Sephardim were saddled with quite a few practices bordering on strangeness. Amulets were dispensed quite frequently to individuals. Communal matters were taken up on a grander scale. The following letter by A. M. Luntz speaks for itself.

"A peculiar custom exists among our Sephardic brethren. Once in seven years, there gather the people of the city, its sages, and its honored leaders and with a celebrating throng they carry torn and aged holy works to be buried in one of the caves or the downgrade of Mt. Zion There is a tradition among the elderly Sephardim and their Hakamim, that this custom is an aid to rain-making! As the crowds were about to pass through Zion Gate, one of the Hakamim of the congregation began the prayer of the thirteen attributes of G-d; they blew the shofar and then they prayed the prayer of rain

(183a)
according the the Sephardic version."

It seems that liberalism is not always a
synonym for enlightenment.

III

Once a Hakam was appointed to a position,
he could expect to live but modestly, albeit
securely. Of course, the remuneration accorded
to the Hakam-Bashi was of a different caliber.
Even so, the latter would feel it incumbent
upon him not to be a burden upon the community,
for the financial well-being of the community,
through Halukah monies, was largely in his hands. (184)
Generally he would try to have communal leaders
form committees to aid him. (185) But final
responsibility rested with him.

One Hakam-Bashi tells us that he agreed:
"--- to receive a sum of seventy five Napoleons
every threee months (186) plus nineteen Napoleons

(183a) "ha-Zephirah" Vol. II. No. 7. 1877.
Reprinted in "Igrot Eretz Yisrael".
Page 440-441.

(184) See note (168a)

(185) "Yehudey ha-Mizrah" Vol. II. P. 68.

(186) From a manuscript excerpt of Rabbi
Yaakov Shaul Elyashar which by chance
came into the hands of M.D. Gaon who
published it on P. 67-68 of his work
"Yehudey ha-Mizrah". Vol. II.

(187)
less a quarter, and more than that mentioned
above, I may not ask at any time except that
when the poor and the widows require assistance,
I shall send them to the house of the committee.
From the Halukah 'Tiferet Yisrael', I shall
receive but one Napoleon...."

The latter item is hardly as incongruous
as it seems. The Sephardic Kolel called by
(188)
the name "Tiferet Yisrael", had a system
whereby every Hakam was entitled to a certain
(188a)
sum, whether poor or well-to-do. This
obviated the necessity for assessment and
resultant objections and recriminations, although
it worked a hardship on the less fortunate
rabbis who were without private means. To a
large extent this too was corrected. The basis
for assigning a given amount to any Hakam was
(189)
scholarship. And the judges, the appointees
of the Kolel, were rabbis in their own right.
In addition, rabbis who were actively engaged

(187) Seemingly as a maximum bonus.

(188) In Jerusalem it was called "Tiferet
Yerushalayim". See Yehudey Ha-
Mizrahi Vol. I. P. 128.

(188a) Zikronot L' Ben Yerushalalyim".
P. 120

(189) Ibid.

in their calling would receive regular salaries from the income of the Kolel, but only the Halukah money which went to all "Hakamim" was known as "Tiferet Yisrael".

Consequently the statement of Rabbi Elyashar, concerning his one Napoleon from the Halukah money, was only stated perfunctorily so as not to break the precedent of equality among the Hakamim. Everyone had to receive something!

In their stipends and salaries the Sephardic rabbis received the lion's share of communal monies, ~~The which monies~~ were divided as follows:

One third was distributed as monthly payments under the aforementioned name "Tiferet Yisrael". One third went for the public needs of the community, government taxes, financial needs of the synagogues and Yeshivot. But the public share also included the salaries of rabbis as well as of cantors and care-takers. Only the last third was reserved for the needy among the laity, the old, the ill, the widowed (190) and the orphaned. In justice to the rabbis it must be pointed out again that they supervised, organized and were responsible for most communal services.

(190) Ibid.

Furthermore the needy among the laity were a minority. Most Sephardim earned a living. Some were rich indeed. Consequently there are no recorded objections to this particular distribution of communal monies. A glimpse into the daily life of the average Sephardi affords us a verification of this:

from whom

The Sephardic laity was divided into two economic classes: The small, store-keepers, artisans, laborers and porters, was one. The other was comprised of well-to-do merchants, money-lenders and possessors of inherited wealth.
(191)

The first group lived an economically austere life. Instead of coffee, milk, sugar, wine and fermented beverages they would limit themselves to plain water. Instead of eggs, fish and meat and fancy cakes they would subsist on a piece of bread and cheese in the morning, and bread, lentils and vegetables in the afternoon and evening. Only on Sabbath would cooked eggs and pancakes, as well as some meat make their appearance. For Kiddush, raisin

(191) Ibid. P. 117-118.

wine would do. One room was the average living space of such families and furniture was almost non-existent, as pillows filled with straw and a mat were found sufficient for the basic needs of tired bodies.

However, this eye-witness account ~~from~~⁽¹⁹²⁾ lay leader of the Ashkenazic community who bore no special love for Sephardic Hakamim, nor later on for Ashkenazic rabbis, having had various altercations with them ranging from "shehitah" to education, sympathetically records that many Hakamim belonged to this poor class too! "Many are poor, make a living with difficulty, receiving very small sums from the charity monies .. of 'Tiferet Yisrael'."⁽¹⁹³⁾

As for the well-to-do class of laity, its income and earnings were far above the income of even the most favorably situated rabbis.

In addition to the Hakam-Bashi and the chief rabbis of the various cities, there were others whose scholarship enabled them to augment their incomes through higher stipends from

(192) The reference is here to Yehoshua Yellin, father of the late Professor David Yellin of the Hebrew University. As a pious but independent person, he was the best able to judge both communities of the old Yishuv, since he was of one and did marry into the other.

(193) From his memoirs. op. cit. P. 118.

Halukah monies or through joining a private Yeshiva, as noted above. With respect to these Yeshivot, it must be stated, however, that they were not based always on merit alone. Rabbis, who volunteered as "sheliḥim" were in a position to influence wealthy donors in the Diaspora to establish such a Yeshiva. Naturally, such a "sheliḥ" would be the first one to be considered for a position therein. And many a "Sheliḥ" would dazzle his audience with memorized beautiful phraseology, humorous stories, anecdotes and witticisms both worldly as well as religious in character, studied sermons which were learned verbatim from others — and if he had yet a voice to chant and sing them he surely would be a made man. (194) With such abilities a Sheliḥ could make out very well even if he came and collected (195) for himself, not for the Kolel. In either

(194) Ibid. P. 119.

(195) In all fairness to these Sheliḥim it must be pointed out that they gave their hearers their money's worth. For the far flung communities in India, Persia, Turkey, Egypt, Morocco, which were the main stamping grounds of the Sephardic Sheliḥim, had little entertainment to speak of, and not much variety in their daily lives. The people looked forward to these visitors who with a story, a tale, a chant and a melody could transport their hearers to the beautiful realms of dreams and aspirations.

case there were **Hakamim**" whose income reached
(196)
into the hundreds of Napoleons per year.

An interesting account from the year 1879 shows that the income of the **Hakam-Bashi**, if not of the other **Hakamim**, compared favorably with the general expenditures of the Sephardic (196a) "kehillah": "The steady expenses which are upon the community (are:): To the inhabitants of the village of Silwan ...(for keeping intact the burial grounds on Mt. Olives), which are near this village so that they do not desecrate the place of the graves — about two thousand thaler. Payment to important Turkish officials for permission to approach the Wailing Wall - sixty thousand thaler; to the **Hakam-Bashi** five thousand thaler, to the scribes and others who serve the community, five thousand thaler; for the support of the poor and orphaned, thirty thousand thaler, a sum of one hundred thousand thaler expenses per year. Any additional money is divided among the **Hakamim** studying in the

(196) Ibid. P. 119

(196a) "Shaarey Yerushalayim" by Moshe Reisher, Warsaw 1879. P. 66. The author visited the Holy Land, and his account is a direct report.

Yeshivot and among those who labor .."

Two obvious factors came to the fore; the huge "bakshish" to Turkish officials which no doubt was a prevention of excesses on their part and not only a payment for approaching the Wall, caused other communal needs to suffer accordingly. Secondly, that while working laymen shared in the Halukah money. In a bountiful year, priority was accorded to the Hakamim.

Such incomes, while not luxurious, enabled these Sephardic rabbis to take good care of themselves, of their clothing, wearing special robes and turbans, and even "ride on white horses",⁽¹⁹⁷⁾ all calculated to set their station in life apart from the ordinary populace and thus arouse within the latter a good deal of deference and respect.

IV

We have seen how the Hakamim organized and controlled the Halukah monies. To an equal and sometimes even larger extent they controlled other areas of Jewish communal life.

(197) "ha-Yishuv ha-Yashan" ha-Hed.
Sept. 1934.

Elementary education lay directly in their hands. The teachers in the Sephardic "heder" (198) or religious elementary school were not necessarily Hakamim, but the supervisors over the curriculum, instruction, deportment and even finances, were! (199) Such a close hold on educational matters might have frozen these into a religious rigidity, which would have repelled or rejected new ideas. Actually when Dr. Ludwig Frankel arrived from Vienna in 1856 to establish the Von Lammel school, the first modern educational institution in the Yishuv, he received more comfort from the Sephardic rabbis than from (200) the Ashkenazic ones.

In basic respects the Sephardic "heder" did not differ from the Ashkenazic counterpart. "Humash," Mishnah and Gemarah, and of course, incidental instruction in laws and customs, were the subjects of study. If the Pentateuch was translated into Ladino, then in the Ashkenazic "heder", it was translated into

(198) Yeshayahu Press in his history of the Von Lammel school used the Arabic term of "Kuttub" for the Sephardic heder.

(199) "Toldot Bet Sefer" Page 21.

(200) Dr. A. S. Yehuda in "Ever V'Arav" Ogen. N.Y. 1946. P. 233 calls the "heder" "Iskola" (*ישיבה*) Dr. Yehuda is however speaking of a modernized one.

Yiddish. One difference did exist however.
In the Sephardic "heder" the study of Arabic
(201)
was permissible.

Whether the Sephardic rabbis, by their
close identification with the educational
institution, were able to arouse a modicum of
deeper respect for their schools, is problematical.
This much is certain: the teacher in their Heder
was treated with real deference by the com-
munity and the title of Hakam or Senor-Hakam
(209)
was, as a rule, bestowed upon him. (203)

The Sephardic rabbinate of the old Yishuv
can receive credit for another phase of
education: adult education. The term may
sound too modern, but in actuality that is
what they accomplished. The institution of a
yeshiva for "ba'ale-batim", for householders,
for adults, was uniquely their own. One such

(201) "Toldot Beit Sefer". P. 21

(202) "Zikronot U'Reshamim: K'shelamadtti
Rashi" Prof. A. S. Yehuda "Bitzaron"
April 1942. P. 489-490.

(203) It is true that the Ashkenazim also used
the term 'Rebbe' for their "Heder-Melamed"
as well as for their rabbi. But the
terms "melamed" and "dardeke melamed",
also used by the Ashkenazim, were not
of high esteem.

institution, called "Yeshiva^t baale-batim", had
(204)
the following order and program of studies:

"There, every day many laymen gather, from
(204a)
noon onwards, and they read in a group ...
Psalms, letter for letter, word by word,
melodiously. After they finish, one ~~H~~akam
stands up and preaches from the words of the
Aggadah, Midrash, Rabbi Bahya, Ein Yaakov,
Menorat ha-Maor, ... Shulhan Aruk and the Holy
Zohar, and afterwards they pray the Minḥa
prayer. This order lasts daily for more than
five hours." From the time element involved,
it is obvious that the ~~H~~akam did not do straight
preaching for so many hours per day. He read,
explained, elucidated and taught. The hearers
could have the books open to follow the lesson
of the day, or could sit back and listen
passively.

(204) "Yehudey ha-Mizraḥ" Vol. I Page 144.
This Yeshiva was found in 1808 and
existed until 1917.

(204a) This makes it more of a bonafide Yeshiva
than the ordinary Ashkenazic Beit-
Midrash where learning was confined to
the Minḥa-Maariv evening hour, in so
far as the ordinary layman was concerned.

(205)

In another unique Yeshiva, less time was spent on theoretical discussions and more time on practical deeds. There "the goal was to do good deeds such as to inspect 'mezuzot' in Jewish homes, and whoever had no means, to give him one free; to distribute among the poor a piece of cloth in order to strain the water from worms, and (give) a 'tallit-katan' and phylacteries unto those who cannot afford them." The elementary schools, as well as the adult ones, plus the Yeshivot were prospective (206) Hakamim might study, as discussed earlier, rounded out the system of Sephardic education.

V

The Sephardic community maintained various other public institutions. These were given fanciful names at times, but their object was practical. Thus we find that "Shevet Ahim", (207) (the dwelling of brethren) referred to an organization whose purpose was to aid the ill and bury the dead. The combination of purposes was practical. In the course of events, and under the sub-medical conditions of the day,

(205) "Yeshiva Hayey Olam" Ibid. P.145

(206) See note 180

(207) "Yehudey HaMizrah". Page 133.

ill people would die frequently, and the officers of this organization would be in a position to know this and to act immediately.

There were four other institutions and the majority of all of them was under the leadership of rabbis. (208)

"Gvul Almanah" as its name implied, provided homes for the widowed. There were 106 dwelling units, and in each three widows lived. Above them eight dwelling units for Hakamim and one large one for the Council. Then there was a free loan society, a sick fund which as distinguished from the "Shevet Ahim" fund, used its monies for the families of the stricken person, and a public kitchen, in which hundreds were fed on Sabbaths and holidays, bread, meat and rice. Only the kitchen seems to have been headed by laymen, though the Kahsrut was under rabbinical supervision. (209)

As for Synagogues, the Sephardim in Jerusalem possessed a total of eleven in 1862. (209a)

(208) Ibid.

(209) Ibid. In truth the sick fund was not administered by a rabbi but by his wife.

(209a) "Zikron Yerushalayim" by ha-Rav Shneur Zalman Be'ha-Rav Menahem Mendel. Jerusalem 1876.

VI

From all the above, it is obvious that the Sephardic rabbinate wielded considerable power in all areas of the public life of its community. This was buttressed by governmental decrees which made the Rabbinate a power in the community at large as well. And with it all, it remained quite liberal and tolerant. Cooperation with the Ashkenazim existed to a certain extent, and the first stirrings of Zionism were welcomed. These factors are of heightened importance in a time when there is some fear in some quarters of a theocratic state in Israel.

Let us look at some of these powers possessed by the Sephardic rabbinate of the old Yishuv and their use or abuse of same.

By the decrees of the Sultan, the Sephardic rabbis had exclusive power over the marriage and divorce of members of their community: (210) "There shall not be either from the Cadi or the officials of the government or from anyone else interference and hindrance against any of their customs which are practiced by them ... and the Hakam ... shall have the

(210) Yerushalayim. Vol. IV. p. 203. See also "Yehudey haMizrah" Vol. II. P. 180-181.

power according to the laws of their religion to deal with questions of marriage and divorce of any Jewish person ... and the Hakamin who are under the jurisdiction of the aforementioned Chief Hakam shall not authenticate without his knowledge or permission of that of his representatives, marriage prohibited by the laws of their religion".

And the Sephardim acted upon this with
(210a)
strict interpretations of Jewish law:

"Anyone marrying a woman must give public notice of his wishes fifteen days prior to the wedding unto the Rabbinical Committee and it in turn will announce through public media and the press the names of both parties, and the 'ketubah' is to be signed by the leading Hakamin". This was to obviate would-be polygamists as well as to enhance the seriousness of intentions involved. We see that long before the Knesset law of 1953 placing marriages and divorces within rabbinical jurisdiction, such

(210a) From the "Takanot Adat ha-Sephardim"
"Yerushalayim" Vol. V. Page 90.

was already the fact under the Turkish regime. (211)

Yet this and similar powers did not make them autocratic.

In the matter of public kashruth the Sultan's decree allowed as follows: (212) "And concerning the foods and drinks, which are kosher and are not kosher for the above mentioned nation, no man shall be able to ask anyone to declare that this is permitted or that is not permitted (save the Hakamim themselves)".

Despite this, the Sephardim shared honors with their Ashkenazic counterparts. As one traveller described it: (213) "In the Holy Land the Sephardim slaughter the cattle after the inspection of the knife by the Ashkenazim. And the Ashkenazic kosher slaughterers inspect the animal involved, for the Ashkenazim have more strictures in this matter than the Sephardim".

(211) A case can be made out for self-respect on the part of the present day Israeli government. B.Z. Goldberg writing in "Der Tag-Morgen Journal" of Sept. 20, 1953, points out that even a socialist or revolutionary government might hand over such powers to its religious leaders as a matter of nationalistic pride rather than of religiosity.

(212) Ibid.

(213) "Sha'arey Yerushalayim" P. 91. Thus was the situation in 1862.

Now although a quarrel developed concerning Shehitah, suffice it to say that while the fight was won by the Ashkenazim because of the growing (214) and developing character of their community, the Sephardim had shown already a high degree of tolerance in permitting the inspection of their cattle by others according to other (215) standards.

And yet with it all, there was independence of mind. For example when the question arose concerning music and musical instruments within the walls of the Old City (of Jerusalem), Rabbi Meir Auerbach (looked up to as chief rabbi of the Ashkenazim) and assorted zealots forbade these for "Jerusalem is yet in mourning over its (216) ancient destruction". What was permitted was the beating of drums. The Sephardim, however paid no attention to this "halakic" decision and merrily went their own way.

Naturally one must not see only light

(214) See Chapter III

(215) One important difference hinged on the inspection of the lungs. See "Yoreh Deah" Part I. Chapter 39, of the Jewish Code of Law, (Shulchan Aruch) for the difference in Ashkeanzic and Sephardic law in this respect.

(216) The whole episode is recorded in "Zikronot Ish Yerushalayim" by Ephraim ~~hakohen~~ Reiss. "Reshumot" Vol. VI. Dvir Tel-Aviv 1930.

without shadow, where shadows did exist! Sometimes the Sephardim were capable of stubbornness and unyielding tenacity of position. They were very proud of their aristocratic lineage. Thus they would sign their names by adding the abbreviation ^(216a) **QO**, pure Sephardi. They were also proud of the official position which made some of them doubly unforgiving to those who slighted them in any manner. "The former Chief Rabbi ... was of a stubborn set of mind ... and used the Sultan's mantle to enforce his rule over his community," so wrote an Ashkenazic ^(216b) observer of the situation in the 1870's.

However this must be taken with a measure of skepticism. The criticism may have been biased coming as it did from an opposing camp.

The Sephardim were at times overly strict in matters of law too. But again, mainly where national honor was concerned. Rabbi Avraham Hayim Gagin, for example, refused to have the

(216a) Dr. Raphael Patai has pointed out that a modern interpretation of the terms is **X10 X90** (good ending). Indeed such is the meaning placed upon it in the bulletins of the Alliance Israelite Universelle.

(216b) "Zikronot L'Ben Yerushalayim" P. 42.

only physician in the city call upon him during his severe illness. The physician was the doctor for the Christian Missionary Society, ^{a society} which caused concern among all Jerusalem Jews (216c) by its methods of seeking souls.

However, in the main, the Sephardim had a constructive attitude. In the issue of transcending importance, the question of upbuilding the Holy Land, we see not only independence in mind, but a progressiveness, and an adaptability to new conditions for old needs.

When Moses Montefiore visited the Holy Land in 1866, he placed this query before the Ashkenazim and Sephardim: How shall he best help the inhabitants of the Land and how shall he be able to renew its pristine glory? The Hakam-Bashi, Rabbi David Hazan stood up and said: "Buy fields and farms and place therein the poor so that with their own hands they should be able to draw bread from the ground". Rabbi Meir Auerbach and Rabbi Shmuel Salant, the Ashkenazic leaders, remained silent at these proposals and did not take either a (217) positive stand or a negative one".

(216c) Rabinowitz. P. 144

(217) Rabinowitz. P. 151.

Such an attitude turned the Sephardic rabbis into heroes in the eyes of the European, Ashkenazic, "Hovevei Zion" (Lovers of Zion). The latter felt that they had a common basic philosophy to share with the Sephardic hakamim whether there was a religious compatibility (218) or not. And so we find them writing:

"We have heard and we know that the G-d of Israel had made it so that your high Honor had found favor in the eyes of the important ministers of the government and therefore we hope that our Master will come with this (enclosed) letter before the Government. Our persecuted brethern desire but to live on the basis of their labor" ... It is worthwhile to note that the final argument in the appeal concerns self-labor, something which the hakamim themselves were very much for.

This congeniality of spirits between the Sephardic hakamim and the Lovers of Zion or pre-Zionists had a solid basis for existence. The first modern writer on this subject of the return to Zion and the upbuilding of the State,

(218) "Ketavim L'Toldot Hibat Ziyon" Odessa 1918. 2 Volumes. Edited by A. Druyanov Vol. I. P. 158

(219)

was a Sephardic rabbi, Rabbi Yehuda Alkalay.

Rabbi Alkalay was the spiritual leader of the small Jewish community in Zemlin on the Serbian-Hungarian border, and nevertheless must be reckoned as a power in ^{the} Sephardic rabbinate in Israel. Not only because he lived his last
(220)
five years there, but because of his work, interests and visits to the Holy Land throughout much of his adult life. The main thesis propounded in his work is that the leading Jewish figures in Europe should assemble and petition the monarchs and rulers of their countries to have compassion and understanding for the age-old aspiration of the Jewish people to return to the land of their forefathers. He speaks further of a society which will build houses, and plant vineyards, and repair roads. Neither are business and commerce possibilities neglected. All this so that the desolate land shall bloom and flourish once more.

These words were written almost forty years before the "Judenstaat" of Dr. Theodore Herzl,

(219) "~~Goral~~ ~~to the~~" was published in Vienna in 1857, five years before the publication of Rabbi Zvi Hirsh Kalisher's work "Drishat Ziyon" in Lyck, 1862.

(220) Rabbi Alkalay passed away in 1878.

and yet Herzl's whole basic program is encompassed within them. Naturally, however, Rabbi Alkalay steeped in Jewish lore as he was, tied his program to the belief in the Messiah. If the society as outlined were to choose a president, and the work would proceed as planned, this president would then be the Messiah Ben Yosef the forerunner of the true Messiah from the House of David.

In 1865, Rabbi Alkalay visited ~~the~~ Palestine and established there a "General Society for Settlement in the Land of Israel". The commission for implementation of the society's program was headed by the Hakam-Bashi and
(221)
seven members.

There is enough evidence to show that
(222)
he wanted the cooperation of the Ashkenazim, but he was not successful. The excessive zeal of Ashkenazic elements thwarted him. Their religious beliefs in the primacy of the Messiah to any settlement program dominated their thinking. The Halukah system dominated their

(221) "Rabbi Yehuda Alkalay" by Yizhak Nissenbaum in "ha-Dat v'Hei'ya ha-Le'umit" Warsaw 1920. Page 50.

(222) His "Kol Koreh" Amsterdam 1858 as well as his other brochures had a broad inclusive base in their appeals.

existence. Further they could not or wished not to see.

At any rate, in Sephardic circles the program was acceptable. If it was not realized, that was most probably due to the fact that the generation was not ready. European Jewry was by and large Ashkenazic and even among the Sephardim, Alkalay's voice was not sufficiently powerful to arouse a whole generation at once. But if a generation was aroused later, Rabbi Alkalay deserves to receive credit for causing the first stirrings.

VII

When we come to sum up the achievements of the Sephardim of the old Yishuv in pre-Zionist days, we must note and mark some of the enlightened and progressive tendencies shown in their system of rabbinical training, elementary education, and attitudes towards the rebuilding of Zion. The question arises: why were they able to exhibit these tendencies, so lacking among the Ashkenazic elements?

The basic reason which presents itself was that the Sephardim had no major ideological struggle on their hands. That struggle between Torah and Haskalah, between entrenched religious

tradition and the enlightenment of the 19th century seeking to make inroads did not take place within the bounds of the Sephardic Community, either in Israel or the Diaspora! It was an Ashkenazic struggle. As one rabbi from the latter camp put it:

"My heart grieves when I see some of our rabbis strengthening quietly or publicly the hands of unbelievers, from lack of knowledge that the latter will lead them astray with their cunning. And this has been the sin of rabbis from time immemorial. So in the days of Joseph II, were the Sephardic rabbis in Italy inveigled by the misleading words of Wiesel who attempted to show the good embedded in the establishment of Jewish schools by the Government of Austria. And it is well known the harm done to the Faith as the Ashkenazic Torah leaders so well predicted". (223)

The Sephardim did not live in the environment of Mendelssohn, Wiesel, Mapu and Smolenskin. They therefore did not witness the extremes of

(223) Rabbi Yitzhak Teplitsky in the "Havatzelet", (Nisan) (April) 1895.

some of the "Maskilim" who were followers of the aforementioned trail-blazers. They did not need to counteract with an extremism of their own. And if it must be admitted that Ashkenazic zealots and Ashkenazic religious zeal were in evidence prior to the flowering of the Haskalah, certainly the latter brought this zeal very much to the fore. The Sephardim had no such motivation; no need for such extremism.

Be that as it may, they did their religious work in Israel more out of Love for G-d; the Ashkenazim more out of Fear of G-d.

Chapter III

The Ashkenazic Rabbinate of the Old Yishuv — Struggles and Accomplishments

In the year 1856 there dwelled in Jerusalem 5,700 Jewish people, and of these only 1,700 were Ashkenazim. In Safed the proportion was higher: 1,300 out of 2,100 were Ashkenazim. In Tiberias they were also in a slight majority of the 1,514 who lived there. In Hebron, Jaffa, Haifa and Acre the total Jewish population in any one place did not reach above four hundred, (that was Jaffa's number), and so the Sephardic-Ashkenazic differences in population figures was of no consequence.⁽²²⁴⁾

The obvious fact is that Jerusalem was the leading community and there the Sephardim were entrenched in a better than two to one proportion. Some of the seething dissatisfaction, and inner as well as outer struggles of the Ashkenazic community and the Ashkenazic rabbinate can be understood in the light of this factor.

(224) "Toldot ha-Yishuv" by Prof. S. Klein, Tel Aviv 1935. P. 241 and see note 6.

However of equal importance in the dissensions within the Ashkenazic community were the separate "Kolelim", organizations or societies benefitting from the Halukah monies: "Kolel Hod" (Holland-Deutschland) (Germany); "Kolel Vilna" (for Lithuanian Jews); and "Kolel Warsaw" (for Polish Jewry). The latter was divided into two parts: a Kolel for Perushim, and another for the Hassidim which was again divided into "Kolel Vohylina" (for Hassidim from that sector of Poland) and "Kolel Habad" for Habad Hassidim following the teachings (225) of the Lubavitcher Rebbe.

The Polish Perushim also were split into followers of Rabbi Avraham Shelomoh Zalman Zoref and followers of Rabbi Yeshayah Benda. The former wishes to rebuild the "Hurva" Synagogue area of Rabbi Yehudah ha-Hasid.

These Kolelim did not spring up all at once. When the Ashkenazic community was small it was dependent upon the Sephardic

(225) "Toldot Bet Sefer" Press. Chapter I: "Yerushalayim Lifney Shmonim Shanah" Page 5.

one for Halukah money. But independence
(226)
began to be asserted as early as 1832, and
gradually it became established in other
aspects of the Rabbinate and community life.

II

The physiognomy of the Ashkenazic rabbinate, some of its characteristics and chief features can be better discerned from its leading Yeshivot. For the K kolelim were not a monopoly of the Rabbinate, though individual rabbis were prominent in their leadership. But the Yeshivot were. The latter at times presented a counter-force to the power and influence of the former.

(227)
"There was but one main Yeshiva, that

(226) This is according to Moshe Reisher in his work "Sha'arey Yerushalayim", Warsaw 1879 P. 39. However Reisher's work is far from being a scientific or objective study. He lists only three Ashkenazic kollelim including the Hassidim with the Perushim and leaving out Kolel Vilna for as late as the year 1862. This is in contradiction to the data of Klein and Press. (See notes 224, 225).

(227) Throughout the second half of the 19th century. Actually it was founded by Rabbi Shmuel Salant shortly after his arrival in 1841.

was Yeshivat 'Etz Hayim' in the 'Hurva' of Rabbi Yehuda^h ha-Hassid. The students received therein a monthly stipend. The head of this Yeshiva, Rabbi Moshe Nehemya^h Kahanov was (228) formerly rabbi in Haslowitz. From his writings we can see that he was concerned with the problems of the Yishuv, economic questions included. He desired a general betterment (229) of conditions.

Other Yeshivot, "Torat Hayim" , and "Peri Etz Hayim" in the "Meah Shearim" (230) quarter also existed.

But it devolved upon the Yeshivat Etz Hayim to educate future spiritual leaders. The program of studies did not differ from leading Yeshivot in Eastern Europe, and the method of ordination was akin to the accepted one in Poland, Lithuania and Russia. That

(228) Rabinowitz. Page 165.

(229) See his "Sha'alu Shalom Yerushalayim" "Reshumot. Part II.

(230) "ha-Yishuv ha-Yashan U'Medinat Yisrael" by Dr. P. Churgin in "Yisrael" New York 1950. Page 85.

is to say, the examination comprised knowledge of "Yoreh Deah" and "Hoshen Mishpat", the ritual and civil law of the Shulhan Aruk, and if the student knew how to weave pilpulistic discussion around them or how to disentangle pilpulistic problems presented to him, he was ordained. (231) The terms "Yoreh Yoreh" and "Yadin Yadin", implying that the newly ordained rabbi was qualified to decide both questions of ritual as well as civil disputes were then incorporated in a letter from the ordaining rabbi to the ordained one. There was no special ceremony and even the contents of the letter were variable. And the custom was ~~that~~ this ordination should be given by a rabbi outside the Yeshiva faculty, so that the Yeshiva could remain a Torah institution in its purest form; an institution dedicated to learning and nothing more.

(231) In the "Bitzaron" issues ~~for~~ 1952, Prof. Hayim Tchernowitz presents an encompassing picture of the order of learning in the "Kolel Kovno, a typical European Talmudical institution and how he received ordination. The same applied to the Yeshivot in Israel.

The ~~aforementioned~~ Yeshivat Etz Haim was built through the philanthropic effort of (232) Moses Montefiore. Whenever he visited it, he proposed improvements and offered criticism cautiously. This may have helped the Yeshiva to preserve a somewhat independent if ineffectual voice. One of the supervisors of the Yeshiva and its real founder, Rabbi Shmuel Salant, used to state, "How much heartache he had because (233) he could not fulfill the demand ... of including mathematics and language study in the curriculum ... Also Rabbi Moshe Nehemyah Kahanov had agreed to include these subjects, but the zealots moved heaven and earth to (234) prevent this. And they succeeded, as they as they had to, if only for the reason that the Krolelim controlled the purse strings, and Montefiore's gifts did not suffice to make it completely independent, even if he had desired to do so.

(232) "ha-Yeshivot ha-Artzi- Yisraeliyot" by Rabbi Simcha Elberg. "ha-Pardes" Jubilee Issue, New York, 1951.

(233) Of Sir Moses Montefiore's.

(234) See "Zikronot Ish Yerushalayim" by Ephraim ha-Kohen Riess Reshumot. Vol. VI.

Montefiore did not always distinguish between ~~zealots~~ zealots who assumed rabbinical authority and bonafide rabbis. A religious man, he had great respect for the Rabbinate and thought that much of the opposition came from the Ashkenazic and even Sephardic Rabbinate itself. As he wrote once to Rabbi Hayim Avraham Gagín, "And I already told (you) my Master, twice or three times, that my sole desire and my sole purpose is to raise the prestige of the Torah and to strengthen it, and my prayer to the God of life is that he plant within our hearts His awe that we do not veer after strange ideas in our faith. Also this do I wish to inform his (Torah) Honor that never will I agree to establish a school in the Holy City without allowing the Rabbis of Jerusalem the power to lead the pupils and teachers as they (the Rabbis) wish in G-d's Torah and Faith". (234a)

- (234a) "Zion" Vol. I. Jerusalem 1926.
 Page 88. This letter was brought to light by Prof. Ben-Zion Dinur (Dinaburg) current Minister for Education and Culture of the Israeli Cabinet (1954).

Whether the dependent position of the Yeshiva was the one reason that Etz-Hayim did not develop to its potential greatness or whether there were other reasons, the fact remains that the leading Ashkenazic rabbis accepted by various communities within the Yishuv, were European trained. (235)

The pattern begins to emerge. The Ashkenazic rabbinate of the period under discussion presented an unpromising picture because of the fact that there was no centralized leadership. There were rabbis active in the **K**olelim. There were rabbis connected with the Yeshivot. There were even rabbis of the community, but they too, like the others, had no official status, not even as much as that of a "hakam bashi" of a single city.

There was only one recorded case where an Ashkenazic rabbi made an attempt to equalize the situation. He was Rabbi Yeshayah Bardaky, who took over the leadership of the Ashkenazim from his father in law, Rabbi Yisrael of Shklov (235a) who passed away in 1839.

(235) In the earlier period this included Rabbis Auerbach and Diskin. In the later one Rabbis **K**ook and Sonnenfeld.

(235a) "Toldot Hakmey Yerushalayim" by Aryeh Leib Frumkin, Solomon Printers. 1929. Vol. III. Page 167.

Now Rabbi Yehudah Leib ha-Kohen Maimon
writes about Rabbi Yeshayah Bardaky as follows:
"He was the first and last rabbi of the
Ashkenazic community whom the Turkish Govern-
ment crowned with the title Hakam-Bashi and
from Constantinople there was sent on to him
(235b)
an official appointment".

Why Rabbi Bardaky seems to have been able
to achieve this status where Ashkenazic rabbis
before him and after him failed, is altogether
not clear. All that can be surmised is the
following: Austria had joined the other
powers in appointing a Consul to Jerusalem
(235c)
by 1844. Since for practical purposes

(235b) "Sarey ha-Meah" Mosad Ha-Bav Kook.
Jerusalem 1944. Part II. Page 281.
Neither in "Sarey ha-Meah" nor in
"Hakmey Yerushalayim" is an actual
date given. See "Jerusalem" Jewish
Encyclopedia Vol. VIII. Page 139.

(235c) Page 227 of latter work and note 2.
The whole appointment seems to be
clouded in obscurity. Shimon Blumen-
thal in a supplementary note to the
latter work in P. 68 of the appendix
quotes the official title of Rabbi
Yeshayah Bardaky as "Nasi-ha-Memuneh
Rosh V'Rishon I'Kolel ha-Perushim".
(i.e. President and Head official of
the Kolel of the Perushim.) At least
thus was he known among the Sephardim,
and so was he addressed by their Hakamin.
This is confirmed, for litigation, in
which Rabbi Bardaky is called "Rosh
Menahel Adat Kehillah Kedoshah Perushim".
The contract was reprinted by I. Rivkind
in "Yisrael", N.Y. 1950. Page 144.

the only Austrian citizens in Palestine were Jews, the leader of the Jewish community was appointed as their representative. (235d) Furthermore most of the Ashkenazim were of Austrian origin. Thus Rabbi Bardaky achieved the status of an Austrian Consul with nominal duties. (235e) Nevertheless, as such, the Turkish government could hardly do less than ^a accord him an even prior recognition as religious spokesman for the Ashkenazic community. By the mid-forties of the last century, this appointment was already in effect.

With Rabbi Bardaky's death in 1863, and another Austrian Consul replacing him, the institution of "Hakam-Bashi" for the Ashkenazic community passed from the scene.

Now it is true that the average Ashkenazic rabbi always retained his position as "Rabbi of the place", (236) being the religious-communal spokesman and rendering final decisions on ritual law and questions of customs and ceremonies. Yet his election stemmed from

(235d) "Nach Jerusalem" by Ludwig August Frankl. Leipzig 1858. Page 149.

(235e) "Hakmey Yerushalayim" . Page 227.

(236) חזקת רב

the leaders of the Krolelim and the Yeshivot plus the leaders of certain communal institutions. This made him in effect the appointee of other rabbis. But officially these other rabbis were not his superiors in communal leadership. The result: lack of authority, struggles, and ineffectual leadership.

III

Let us now examine how an Ashkenazic rabbi for a whole community was chosen.

For a time, in Jerusalem, three institutions had the monopoly in this matter: A (237) general committee, consisting of leaders from the Krolelim; the leaders of the Talmud Torah and Yeshiva Etz-Haim and the officials (238) of the "Bikur Holim" society. The representatives of these institutions formed a "Vaad Klali", (general committee). They chose the rabbi and they saw to it that his salary was paid, or at least they were responsible for the payment of his salary.

In the 1860's and 1870's the chosen rabbi was Rabbi Meir Ben Issac Auerbach. And while

(237) This "Vaad ha-Klali" was first organized in 1866 to centralize Halukah operations. See Jewish Encyclopedia Vol. III. P. 304

(238) See A. R. Malaki's study in "Hadoar" No. 13, 1936.

he helped established the ~~aforesaid~~ committee,
(239)
his occupancy of the rabbinical chair of
the Ashkenazic community, can be termed as
being the first one under the conditions
cited above.

The difference in approach to the choice
of rabbis between the Sephardim and Ashkenazim
is striking. Whereas the former would place
the mantle of ~~the~~ "hakam-bashi" upon someone
who was near to it in experience, upon a rabbi
who assisted the previous "hakam-bashi" or
was at least on his council or was a "hakam-
bashi" in one of the larger communities, the
latter made scholarship almost the sole
(239a)
criterion. This was an attitude brought
over from their Jewish communities in Europe,
notably Eastern Europe. It made no difference
whether the Ashkenazic rabbi headed a large
or an insignificant community. If he possessed
the scholarly aptitudes so well admired, he
was chosen. The only new note injected by
the Ashkenazim was that ~~they~~ tended to choose
a person who had resided in the Holy Land at

(239) See note 245.

(239a) It is true that after 1878, Rabbi
Auerbach's assistant Rabbi Shmuel
Salant took the position, but there
too the factor of scholarship dominated.

least for several years, rather than invite a leading rabbi from Europe directly. European training was a help. European residence - a hindrance. This of course had the merit of having a spiritual leader who was at least acquainted with the problems of the Yishuv.

The rabbinical career of Rabbi Auerbach is a case in point. He was rabbi in Kalish, Russian Poland, when he decided to remove his domicile to the Holy Land. Arriving there in 1860, he organized a congregation and a Yeshiva (240) "Ohel Yaakov". And then, and only then, when his fame was established as a great Talmudic scholar, and he had resided in the land for several years, was he called upon to become chief rabbi of the Ashkenazim in Jerusalem.

For the Ashkenazim this chief rabbinate (241) meant no more than being the Ab-Bet Din, the head of the rabbinical court. It carried no special weight with the Turkish authorities.

(240) M.N. Auerbach. "Zekut Abot" Jerusalem 1895. Introduction. See also A. Amshewitz "Mosheh V'Yerushalayim". Warsaw 1879. Page 81-96.

(241) See section VI of the introduction of this thesis, and notes 31, 32.

Having an Ab-Bet-Din, the Ashkenazic community began to have a semblance of rabbinical organization. But the Ab-Bet-Din organized his work at his own discretion, abiding by no hard and fast rules except the Talmudic ones, and those rules which were already part of the custom and tradition of any Ashkenazic Jewish Community. Thus when Talmudic law required a religious court of three rabbis, Rabbi Auerbach presiding, would call upon Rabbi Shmuel Salant, his assistant, and Rabbi Kahanov, the head of the Yeshiva, Etz Haim. Otherwise, as was customary with questions of Kashrut, the ritually permitted and forbidden, Rabbi Auerbach would leave these to the decision of Rabbi Salant. (242) Even the performances of marriages and arrangements of divorces were left in the latter's hands. He chose rather to study and deliver Talmudic discourses in the Yeshiva.

It is possible that his remoteness from the sphere of practical problems made him so uncompromising in Halakic decisions.

And yet, this much must be said of the Ashkenazic rabbis in general and of Rabbi

(242) Rabinowitz. Page 162.

Auerbach in particular: Although the pattern ~~they~~ followed seems disorganized and outmoded compared to the Sephardic rabbis, they carried on their duties under far greater handicaps: The community which they served was much more heterogeneous; the lack of official recognition was of a truly limiting and confining nature; and being in the minority was at times an exasperating fact.

IV

Two important controversies with the Sephardim marred and marked the growth of the Ashkenazic rabbinate.

One was the struggle over newer forms of elementary education. Actually this was far from a purely inter-rabbinical clash. In the Ashkenazic camp there were non-rabbinical die-hards, whose wrath was more vociferous than that of their spiritual leaders. Furthermore, the Sephardic rabbinate was loath to become embroiled with what began as a typical Ashkenazic struggle of religion vs, *Maskalah*. But nevertheless, by giving their stamp of approval to the new school, the Sephardim could not help but be involved.

It all began with the arrival of Dr.

Ludwig Frankel in the Holy Land in 1856,
with plans and means to found an elementary
Hebrew School based on the modern pedagogical
(243)
methods of the day.

Prior to Frankel's arrival, the kind of
Ashkenazic "heder" which existed was typified
by the one in the "Maha'em Ziyon" synagogue
in Jerusalem: "The children, boys and grown-
up lads, learned in two rooms of the women's
section of the synagogue ... in darkened rooms
full of dirt. The poor children spent their
dreary days under the whip of teachers, poorer
than even they and who were without any
(244)
understanding of pedagogy". This description
is of the "heder" founded by the Ashkenazic
Perushim in 1845. The Hassidim had no public
(245)
Talmud Torah of their own.

The curriculum and conditions were nearly
the same whether the "heder" existed in Jerusalem
or in Safed, or any other city in the Holy
Land. As a matter of fact it did not differ

(243) "Toldot Bet Sefer". Page 13.

(244) "Toldot Bet Sefer". Page 6

(245) Ibid.

in essentials from the East European institution.
(246)

As a native of Safed tells us:

"At the age of three I began to learn in the 'heder' for a full day ... During the winter months we continued to learn until nine at night. So we sat a whole day and part of the night, not knowing of child's play ... no walks, no exercise. The term 'a life of bodily vigor' was narrowed down for us ... The 'melamdim' of those days did not understand the spirit of the pupils. The majority had no pedagogical talent. They knew not how to impart their lessons ... the system was for the 'rebbe' to translate, according to his own way, without explanation ... We did not study the Prophets and the Writings (from the Bible) for this was thought to be 'Maskalah'".

That the leading Ashkenazic rabbis of the day were responsible for this attitude can be seen from an excerpt of a letter by the Old Yishuv's foremost historian, A.M. Luntz: (247)
(248)
"And even now the Rabbi of Kalish says that

(246) "Peri Eitz Hadar" Page 13.

(247) "Miktavim Mi'Yerushalalyim" by A. M. Luntz. "ha-Ma'amer" Vol. IV. No. 2. Elul 1873. Page 347.

(248) Rabbi Meir Auerbach, the leading Ashkenazic rabbi.

he (Yoel Moshe Solomon) is an apostate for he studies Bible with the commentary of Rabbi Meir Leibush Malbim."

When Ludwig August Frankel arrived ~~that~~ ^{the} spring ^{of} in 1856, his plans were simple and direct: Commissioned by the Von Lämmel family of Vienna, he was to open a boarding school for the Jewish children of Jerusalem, which was to be administered according to the best and latest pedagogical methods. The basic curriculum and ~~the~~ spirit were to remain, to the largest extent, traditional. The school was to accept children from three to six years old and they were to learn: " ... in an enjoyable manner the history of our forefathers ... little songs will be sung with them to gladden their hearts, and by drawing the images of cattle and animals and the like ... they would obtain knowledge of nature ... (also) sketches of utensils and tools for working the land (shall be made). ~~They~~ will walk to strengthen their bodies, and will care for cleanliness and hygiene ... they will pray and sing daily

(249) The reference is to the Yoel Moshe Solomon who was a Jerusalem scholar and writer of note.

in a nearby room, ten to a 'minyan', morning and evening, weekdays as well as holidays and Sabbaths." (250)

Armed with such a manifesto, Frankel was received coolly by the Ashkenazic community. The Hassidim did send him a letter of official welcome, and later even visited him in his hotel. But the other segments of the community were in opposition from the beginning. (251) On the other hand the Sephardim as a whole were much more amenable. Rabbi Hayim Nissim Abulafia, chief Sephardic Rabbi, called a joint meeting of the leaders of both Jewish communities. (252)

Seemingly this was done at Frankel's urging. The call was not ignored and the leading rabbinical and communal figures came to the meeting which took place in the Chief Rabbi's home. From the outset the Perushim made their stand clear. They saw in the whole program the aims and designs of the

(250) "#Kol Me-Vasser" by Dr. Ludwig Frankel Vienna 1856. XXVI Pages

(251) "Yerushalayim Lifney Shmonim Shanah." Toldot Bet Sefer. Page 13.

(252) Ibid.

Haskalah movement in Germany and felt that their Sephardic brethren were not sufficiently aware of this movement nor of its consequences. Rabbi Yeshayah Bardaky was their spokesman: "Our Sephardic brothers know not of Moses of Dessau but you (Frankel) know him and your (253) 'clarion call' is written in his spirit."

Instead of Frankel's plan, Rabbi Bardaky proposed that the Von Lämmel gift be utilized for clothing and food for the pupils in the existing one-room schools. After a debate, pro and con on this proposal, the matter was put to a vote and the Ashkenazic rabbis found themselves in the minority. Arrayed against them were the Sephardic rabbis present plus Yehosef Shchwartz, head of Kolel Holland-Deutschland and Nissan Bek head of the (254) Austrian-Galician Hassidim.

This vote was finally implemented on the day following Shevuot of that year. The Sephardic Chief Rabbi acceded to Frankel's request, and announced that he gives his official sanction and approval to the planned (254a) school.

(253) Ibid.

(254) Ibid. P. 14

(254a) Ibid.

"Behold we the Hakamim, Rabbis and leaders of the holy Sephardic community perforce must make public our opinion and expound that which was talked about and explain thoroughly what will be the order and the conduct of learning in the aforesaid mentioned House which will be called a House of Learning Torah, for Israelite boys:

"A. The supervisors and teachers shall be appointed by the Headmaster in accordance to the knowledge and agreement of the Hakamim and spiritual guides of the holy Sephardic community.

"B. The children who will enter the aforementioned Talmud Torah will be children who will begin their studies from Aleph-Bet until they will become versed in prayers; Bible during a period of three or four years ... and after they will have learned, others will come, and the children who today have already studied the order of prayer and Bible will learn with a tutor Arabic and German and the teacher will have to be acceptable and shall be accounted as religious (by us).

"C. In this aforementioned house there

will be a special room (for prayers)."

Hayim Nissim Abulafya
Hakham-Bashi (255)
Hayim David Hazan²

Clearly, the Ashkenazic rabbinate lost this round. What should have been an Ashkenazic project, financed, supervised and carried out by Ashkenazim, remained so only in the matter of finances. Control passed into the hands of the Sephardic rabbinate, ⁽²⁵⁶⁾ and Frankel subordinated himself to their guidance. Rabbi Hayim David Hazan became chairman of the supervisory board as well as its treasurer. Two other Sephardic rabbis were appointed to that board of five, thus giving the Hakamim a majority vote.

To make matters worse, the Ashkenazic die-hards invoked a ban against the school on the ninth of Sivan at the Wailing Wall, with nothing omitted even unto the blowing of the "shofar." And they did not permit the matter to lie there. Periodically they would fan the flame of educational controversy. In 1873, a new ban was put out against all such schools. Neither Rabbi Auerbach nor Rabbi

(255) He was the assistant Hakam-Bashi.

(256) "Toldot Bet Sefer". P. 17.

(257)

Salant signed it, but the fact was that they were affected by it, and through them the Ashkenazic rabbinate. The passive acquiescence damaged their prestige in eyes of both camps — the liberals and die-hards, to say nothing of the damage done to the cause of religious education. It was not only that they were unable to set up schools/ of their own, but they could not even usher in needed improvements in the existing ones. As a case in point, they were forced to refund a sizeable sum which Sir Moses Montefiore had donated for instruction of the Arabic tongue in the Yeshiva Etz-Hayim. (258) Of course it might be argued that Rabbis Auerbach and Salant showed their protest by not signing ~~the bill~~ and anyway under the circumstances no other act could have brought the fanatics to reason.

An indication as to how far the zealots were ready to proceed against their Rabbis can be seen from the treatment accorded to Rabbi Yizhak Prager. (258a) Rabbi Prager was an Ashkenazic but joined the Sephardic community

(257) Ibid.

(258) "Sha'arei Ziyon". Nisson, 5538 (1878)
P. 21

(258a) "ha-Hinukh B'Eretz Yisrael" op. cit.
P. 334-335. See note 180 (of thesis).

after he married. His wife was a Sephardic woman. In 1867 he opened up a school by the name of "Doresh Ziyon", a school financed by the philanthropist Joseph Blumenthal of Paris. The set policy was to admit pupils from both communities. But the Ashkenazic zealots placed the school under a ban and nightly placed a coffin in front of Rabbi Prager's windows. More in weariness than in fright, the Rabbi reluctantly agreed, after a protracted struggle, to limit the school's enrollment to Sephardic pupils. Be that as it may, the Ashkenazic rabbinate was not strengthened by the general handling of the controversy in education.

They were more successful in another matter — that of the Shehitah, the ritual slaughtering of animals.

When the Ashkenazim first settled in Jerusalem they found that they were barred from practicing Shehitah. By Ottoman law, only a Moslem was permitted to slaughter animals; or a person who could produce a document that

(259) The whole matter is explained in "Zikaronot Le-Ben Yerushalalyim", by Yehoshua Yellin. Ziyon Publication - Jerusalem 1924. Page 99.

he was a descendent of Abraham, Isaac and Jacob. Such documents could be issued by the Hakam-Bashi alone who was the official head of the Jewish community. Naturally he issued it only to Sephardic ritual slaughterers, and naturally too the Ashkenazim resented it. More than prestige was involved. The steep prices were a factor too. Venturing forth unofficially on their own was no solution, because they could not dispose of all meat which became or was found to be unfit ("trefah") in the process of slaughtering. The one time the Ashkenazic community headed by its rabbinate attempted to do this, by appointing slaughterers of their own and purchasing a goodly number of goats for the purpose, they suffered a severe financial setback. More than one hundred ⁽²⁶⁰⁾ Napoleons went down the drain when the Moslems refused to buy the "trefah" meat despite the ritual slaughter. From the Sephardim they purchased it, but the Ashkenazim were regarded as illegal and incompetent slaughterers.

(260) Ibid. P. 101.

Early in 1874 the Perushim and Hassidim got together with the blessing of the Aabbinate and brought their greivences to the local governor in the form of the following letter, which throws light on the whole relationship between the two communities:

"Being that all Jews, both Sephardic and Ashkenazic, are sons of a common ancestry, children of Israel sons of Isaac son of Abraham, and one Torah from heaven do we possess, the Torah of Moses our teacher.... and we intermarry without any objection, and the whole difference is the name of our communities.... and the difference in the languages spoken by us only has come about because our fathers were exiled to the land of Germany and their fathers to the land of Spain, and as against this, the language of our prayers and Torah is one - the Hebraic tongue ---

"It is not true what the Sephardim contend, that only the Sephardic slaughterers can be termed pure descendants of Israel.

"In all lands according to the laws of Israel, everyone slaughters and their Shehitah is proper ... the ritual slaughterer need only

learn the laws of kosher slaughtering and inspection and obtain a certificate from his community's rabbi. No one inquires concerning a certificate of descent.

"The Sephardim by making use of this subterfuge of a certificate of descent for their own well-being and satisfaction, subjugate us to suffer a double indignity: they burden us by taking four or five times as much for meat than the market price warrants whereas the cost of Shehitah is considerably less than that, for one 'gerush' would suffice for the expense of the slaughterers and caretakers and the like. And they lower in this fashion our honor in the eyes of the Gentiles by saying that only they are true descendants of Israel.

"Since there are differences in the laws of ritual slaughter between us (as in the sects of the Hanafites and Shafiites) they planted into the hearts of our Islamic brethren that it is forbidden to eat our "trefah" meat.

Therefore we ask you to judge (our plea)
(261)
aright."

(261) Ibid. Page 106.

These arguments finally prevailed. The victory however was more than purely a rabbinic one, for in the council carrying on this fight the lay people were prominent as well. Yet since the Rabbis had the deciding vote within (262) it, this council marks an important stage of development in the activities and powers of the Ashkenazic rabbinate in Israel in general and Jerusalem in particular. As such, it deserves special study.

V

The council in question was in existence prior to the Shehitah controversy. It came about in the 1870's when the simple organization of the Kolelim was undermined through calumny and slanderous missives sent to Halukah centers in the Diaspora. Especially hard hit was Kolel Warsaw. Its administrators in Jerusalem were Rabbi Ya'akov Yehudah Levy, formerly chief rabbi of Gumbein, Poland, and Rabbi Mordecai Meir formerly chief rabbi of Biala, and Rabbi Baruk Wolf of the Hassidim. (263)

(262) See Section V of this chapter

(263) Ibid. Page 84.

Their integrity was questioned in anonymous letters and otherwise, and so they resigned from active administration of this troublesome Kolel. Kolel Vilna in this respect was better off since it was a united one, incorporating the Ashkenazic communities of Jerusalem, Hebron, Safed and Tiberias. Its trustees who knew that there was a check and double check on their administration felt themselves to be in a more secure position.

Nevertheless all the Ashkenazic Kallelim were prone to bickerings and criticisms. This was inevitable for the distribution of the monies was, to an extent, on a subjective plane. There were two divisions in the Halukah distribution. One was "per capita" and the other (264) "per status". The former rating concerned the number of souls each recipient family possessed. The other was based on the learning, piety and, even genealogy of the person in question. Naturally there was no infallible yardstick by which to measure such attributes, and differences of opinion rose and sometimes boiled over. All that was needed was one scandal to bring matters to a head.

(264) "D'mey Nefesh" and "D'mey Kadimah".
op. cit. Page 19,

This presented itself when Rabbi Shaul Binyamin ha-Kohen from Radushkowitz took over as head trustee of the Talmud Torah and Yeshivat Etz-Hayim (265) with plans to build and establish additional rooms in the overcrowded institution, which numbered, in those early years of the 1870's, over six hundred pupils. Energetically setting about his task, the new trustee left the Holy Land for a prolonged mission of raising the needed monies. Upon his return he found that his entire position was undermined. So bad and so consistent were the rumors which circulated about his mismanagement of funds during his absence, and so unchecked was the feeling engendered against him that the Ashkenazic rabbis were powerless to prevent a trial before a Turkish court. The accusers were from the Kolel of the Perushim.

The trial ended with a verdict of guilty and the Rabbi of Radushkowitz was about to be sent to the tower prison in Acre. (266) Only then were the better elements of the Ashkenazic community aroused. A large delegation came to the

(265) "Ha-Hinukh b'Eretz Yisrael b'Reshita ha-Yishuv ha-Hadash" by Prof. Zevi Sharfstein, "Sura" 1954. Jerusalem.

(266) "Zikaronot Ish Yerushalayim" by Ephraim Kohen - Reiss. Reshumot. Vol. VI. Dvir 1930. Page 269.

Hakam-Bashi, Rabbi Avraham Askenazi to intervene. This he did. "The Rabbi sent for his son the Hakam Elyashar and with my own eyes I saw how they brought an Arab scribe and wrote and signed with the signature of the Chief Rabbi a telegram to Constantinople." (267)

Following this sad episode, Ashkenazic leaders, both lay and rabbinic convened for the purpose of reorganizing the community. After much debate and acrimony, a council of twenty three was established corresponding to the "little Sanhedrin" of ancient times. (268) This Council consisted of prominent merchants, one representative from each Kolel and one trustee from each institution. In turn this council appointed an executive committee of five laymen and a rabbinic committee of seven, three of whom were the "dayyanim" of the "bet-din". The larger council of twenty-three was to meet weekly and bring its proposals and decisions before the smaller executive board and the rabbinic body. First the rabbinic body was to pass on the religious legality and permissibility

(267) Ibid. P. 271

(268) See "Luah Eretz Yisrael" Nos. 21-22. Page 217.

of the matter involved and then the lay board would have the executive power to implement it. The whole institution was to be known as "Knesset Yisrael," and every member of the Ashkenazic community was to be taxed ten francs a year towards its support.

Seemingly though, the flames of this controversy which preceded the formation of the council died but slowly. The separatism existing between the Perushim and Hassidim caused the latter to form their own group called "Ezrat Yisrael" which found a champion for its cause in Dov Frumkin, publisher of the famed "Havazelet" journal. Some of his attacks on the Perushim were vitriolic and caused a strange alignment of forces. For the Sephardim who usually were favorably inclined towards the Hassidim and undertook common projects at times, as we saw in the Frankel-Von L~~am~~el matter, this time severed the bond of cordiality and took the side of the Perushim. (269) A joint letter was sent to Rabbi Zvi Hirsh Kalisher, who was by then the leading rabbinic authority in the Diaspora in all matters concerning the

(269) Yellin. Page 96.

Yishuv. On the letter we find the signatures of Rabbi Avraham Ashkenazi, Hakam-Bashi, Meir Auerbach, chief rabbi of the Ashkenazic Kolelim, and Shmuel Salant, his assistant. Denouncing Frumkin and his journal, they asked that no support be forthcoming for it from the Diaspora.

The more lasting struggles of the Ashkenazic rabbinate in the Old Yishuv concerned themselves with the secularists. To the credit of the Rabbinate it must be recorded that they were opposed to the indiscriminate usage of the ban (herem) which the zealots were ready to employ at the slightest provocation and for the flimsiest of reasons. Thus when Dr. Heinrich Graetz, the noted historian, came to visit the Holy Land in April 1872 and spent a Sabbath in Jerusalem, he was put under a ban, (270) by a zealot who jumped up in the synagogue where Dr. Graetz was praying. This zealot was neither a rabbi nor religious functionary and yet he took it upon himself to proclaim the "herem." Naturally, in such a state of affairs, zealous rabbis in turn did not stay behind either. Rabbi Yehuda Leib Diskin of Brisk and his assistant (and

(270) Rabinowitz: Page 163.

later his successor) Rabbi Hayyim Yosef Sonnenfeld, when they settled in the Holy Land, proclaimed various bans. A notable one was that against parents permitting their children to attend the school of the Alliance Israelite Universelle. (270a)

Sometimes the rabbis were satisfied with a strong moral admonition or denunciation and did not proclaim official bans. They voiced their opinions and took a firm stand especially when the cross-currents of the new cultural forms and ideas seemed to endanger the religious status quo. A typical stand was that of Rabbi Naphtali Hertz ha-Levi, Ashkenazic rabbi of Jaffa, who wrote as follows in the spring of 1895: "It is a holy commandment to disrupt this evil situation with what-ever means are possible and I am sure that all who fear G-d will do everything possible to disassociate themselves from this wicked congregation". The reason for the outburst? The Hovevei Zion colonists wanted to present a play "Zerubabel." (270b)

From all the above it is clear that while the Ashkenazic rabbinate did assert its leadership in communal matters on occasion, such an

^a
(270a) "Banner of Jerusalem" by Dr. J. Agus, N.Y. 1946. Page 107.

(270b) "Havazelet" Nisson. 1895

assertion came about because of the exigencies of events rather than because of policies and plans. This is borne out when we examine the communal institutions.

VI

The permanent religious Ashkenazic institutions of the era consisted of ten synagogues, with ten "hadarim" for elementary study; two large Yeshivot; one house for rabbinical gatherings, discussions and study; four "mikvaot" (ritual baths), home for transients (270c) (Haknasat Orhim) and one home for the aged.

Unlike their Sephardic colleagues, the Ashkenazic rabbis played but a minor role in these institutions. The Yeshivot were the exception. Even in the establishment of the synagogues and the building of new structures, the initiative came from others. Thus it was the fabulously wealthy Ezekiel Sassoon of Calcutta, India, and the hardly less wealthy Reuben David Sassoon, who built the two outstanding houses of worship of the community: Bet Yaakov of the Hurva area and Bet Knesset Kolel Habad. (271)

(270c) "Yehudey Hamizrach". Vol. I. Page 132. Also see "L'Toldot Yoel Moshe Solomon by A. R. Malakhi. Yisrael Page 194. Dr. Pinkas Churgin lists three major Yeshivot in "Hayishuv Hayashan" Yisrael. P. 85.

(271) "Yehudey Hamizrach." Page 132.

The impetus for these projects may have come from Shelihim, but the carrying through of the building program as well as the general administration of the buildings were done by "gabaim", lay trustees. The Ashkenazic rabbis preferred the halls of study. They only intervened when a question of law was involved.

The role of the Sassoons is especially noteworthy. Herein we have an example of the magnanimity and tolerance of Jews, oriental in their traditions, who built religious institutions for Ashkenazim. Seemingly, as far as many Sephardim were concerned, the gap between the communities was to be bridged and spanned. This Sephardic attitude in religious life in general and the rabbinate in particular was to be seen again and again.

The Ashkenazic Rabbinate did assert leadership in the establishment of one noteworthy institution. This came about in 1856. Until then a common cemetery was shared by both communities. Actually the property belonged to the Sephardim, but the Ashkenazim, by defraying their share of the costs, were permitted to use the burial ground. That year a Sheliah died, seemingly without kin, and the Ashkenazic community for whom he worked was not in a

position to bear the burden of the burial costs. Worse yet, the cost was a mere pittance compared to the arrears owed to the Sephardim. The latter refused to allow the burial to proceed without settlement of the debt. It was at this point that Rabbi Shmuel Salant intervened (272) forcing the Sephardim to concede. Being incensed by the whole high-handed procedure of their partners, and having the blessing and approval of Rabbi Salant, the Ashkenazim ~~went~~ ~~and~~ bought a piece of land as a burial plot. The event was marked in the record book of (273) their Burial Society as follows:

"Until now, we, the Ashkenazim, were under the shadow of the Sephardim but henceforth we have separated from the Sephardim and bought a field, a separate property, and we have formed within our midst a burial society from among the Ashkenazim together with all doers of good deeds for eternity, and now there will be written down the names of the absent ones, may their

(272) "L'Toldot Adat ha-Perushim" by I. Rivkind. Yisrael, P. 145.

(273) "Pinkas ha-Hevra Kadisha". Jerusalem 1856. Quoted by Rivkind. Op.cit. P. 145.

souls rest in peace"

Yet where no specific religious problem was involved, the Ashkenazic rabbinate left the initiative to laymen. A look at the operations of the Home for the Aged confirms the fact.

"The number of aged men, inhabitants of this house amounted in the month of Nisson, at the time of straightening our passing accounts to fifty nine, and the number of elderly women to seventy three ... We see that our hand suffices not that the work is much, and that a good deal of money is needed to complete the inside work in the already built rooms and to build a synagogue which is very (274) needed and whose expenses are many ..."

Six trustees were signed. A supervisor, a sexton or "shamash", a collector, a ^{ali} ~~Shemlah~~ and some caretakers are mentioned. No rabbi is!

We see now that throughout most of the 19th century the Ashkenazic rabbis assumed the roles of religious leaders in the narrow sense of the term. Their participation in the general life of the community was meager. The Sephardim, on the other hand had a different

(274) "Sefer ha-Heshbon be-Bet Moshav Zekeinim." Nissan-Elul 5159 Frumkin. Jerusalem 1899 - Preface.

orientation. Their attitude had some of the elements of most Middle Eastern people for whom "the totality of life is permeated with religion".^(274a) This is not to depreciate the piety of the Ashkenazim. But the Middle Eastern tradition of having the religious leader be the communal one as well, was as a rule evident in the Sephardic community, not in the Ashkenazic one.

VII

With the growth of the Ashkenazic population, the stirrings of pre-Zionist days, the first colonies in the land and increased need to deal with the Government, a gradual transformation overtook the Ashkenazic rabbinate. This change took place under the aegis of Rabbi Shmuel Salant.^(274b) After Rabbi Meir Auerbach's demise in 1878, Rabbi Salant became the leading figure in the Ashkenazic rabbinate. He realized the need for greater assertion of the Ashkenazic community and its Rabbis in communal matters. At the same time he was an exponent of cooperation

(274a) "The Middle East as a Culture Area" by Dr. Raphael Patai, (Winter, 1952) *Middle East Journal* Vol. 6 No. 1. Page 18.

(274b) Rabbi Auerbach who preceded him, also began to show a true understanding for the needs of the time, by approving agricultural work. "Sefer ha-Takanot" Aussman, Jerusalem 1876. See Appendix to the book.

with the Sephardic community. The result was
a remarkable and historic document of the
(275)
summer of 1895:

"Blessed is G-d";

Both ~~of~~ us signed below have agreed to
appoint a committee ... which will take care
of all matters which bear upon the congregation
of Israel which dwells in Jerusalem, and of its
relations to the Government without differentiating
between a Sephardi and an Ashkenazi at all,
such as in the matter of ... taxes and all other
necessary expenses for the upkeep of the Yishuv
and for the safeguarding of the general public
as well as the private citizen ... and here are
the details for choosing such a committee.

"The members of such a committee will be
from the two communities and they are Senor
Haym Aharon Valero and the Hakam Nissim ^{e/}Bachar,
and their Honors Rabbi Yosef Rivlin and Rabbi
Elimelek Perlman. These four aforementioned
members or others who will be chosen in their
place, also the time and order of business, and
everything else should be decided by majority
vote (of at least) three to one

(275) Reprinted in "Yehudey ha-Mizrach"
Vol. II. Page 136.

"The members of this committee enter this undertaking in order to unite the Sephardic and Ashkenazic communities without prejudice for one as against the other.

"Charity money which accrues to either of these communities is not to be tampered with by the committee ... and for its running expenses let the committee raise money as it (275a) sees fit.

"It is incumbent upon the Rabbi, the Rishon l'Ziyon signed below to have this committee sanctioned by sending a special letter to the Government, may it prosper.

"The final decision in this matter lies with the rabbis signed below, the chief rabbis.

The second day of the week, Parshat 'How
(276)
goodly are thy tents Oh Jacob, '5695.

Ya'akov Shaul Elyashar, Shmuel Salant "

The Ashkenazic rabbinate demonstrated its maturity and ability to cope with modern exigencies, and organize along efficient lines; and the

(275a) Maybe that is why this whole attempt was a failure despite its precedent-setting importance.

(276) Numbers: Chap. 22 Verse 2 to chapter 25 Verse 9. Usually read in late June or early July.

Sephardic rabbinate showed its great tolerance and understanding through its willingness to give up supremacy for parity.

(276a)

The agreement did not go into effect but it did set a precedent.

Another sign of growth and accomplishment on behalf of the Ashkenazic rabbinate, ~~is~~ its attitude towards the new colonists who began to settle in the Holy Land. One missive of Rabbi Salant to such a settler reads as follows: "And my dear one, please, let the utterance of your lips be holy so as not to desecrate, G-d forbid, anything which is holy to our people, and you will be as an example to many with your wisdom and faith." Unfortunately, the whole Ashkenazic Yishuv was not like-minded and did not display such a sympathetic attitude. Thus M. Meyerowitz a leading "Bilu" writes as follows concerning the reception accorded to him in 1882:

(276a) ~~Seem~~ ~~Another~~ the reason for this was the apathy of both communities.

(277) This letter is dated July 1882. Published in "Reshumot VI. P. 288, and addressed to one of the "Biluim", a group of young people, mainly students, who came from Russia to settle in the Holy Land.

(278) See note above.

"There was given to us a unique reception when we came into the city (Jerusalem). The Jewish inhabitants knew already of the Biluim, the Russian students, as they called us. As we were passing through the streets, we heard from all sides: Here are the 'goyishe' students who came to the Holy Land. The zealots of Jerusalem received us with epithets and derogatory names" Yet Meyerowitz tells (279) us that he looked upon Rabbi Salant as a friend.

It was not only a favorable look which the Rabbinate cast upon the colonists and vice versa which is indicative of the devotion of the former to the upbuilding of the land. Some rabbis actually went into agricultural work themselves. Rabbi Hayyim Elazer Waks, an Ashkenazic rabbi who settled in the Holy Land, bought a piece of ground near Tiberias and planted therein about 2000 Citron trees with the self-made stipulation that the profits (280) should accrue to Kolel Warsaw.

A more far-reaching attempt by the Rabbinate

(279) From Meyerowitz's own words "Forty Five Year" Resh'mot VI. Page 289.

(280) "ha-Dat V'ha-Tehiyah ha-Le'umit" by Yizhak Nissenbaum. Warsaw, 1920. Page 77.

to be attuned with the needs of the times
was the establishment of an "Organization for
the Settlement of the Holy Land" in 1896. (281)

The purpose of this organization was to train
the youth of the Old Yishuv settlements to take
plow and scythe in their hands. The founder,
himself a rabbi and ardent "Lover of Zion",
Rabbi Yizhak Zevi Rivlin came from a distinguished
Ashkenazic family living in old Jerusalem.
He was able to inspire a number of young men to
settle on the land even though the Organization
as such was not long-lived.

The attitude of this Rabbi and others in
pre-Zionist days might have had a salutary
effect on the whole development of the Yishuv
and the relationship between the secularists
and the religious elements. But pressure from
the Diaspora and from zealots within the Yishuv
upset any working arrangement which might have
had this effect. In Russia and in Poland where
the "Lovers of Zion" movement was at its height,
disquieting rumors spread among the religious
members that the new colonists were atheists,
unbelievers and followers of non-Jewish practices.
A far-reaching proposal for rabbinical control
over the colonists was made by a renowned rabbi,

(281) "Le'Toldot ha-Rimas" by A. R. Malachi
"Yisroel" Page 209.

who lived in the Diaspora. The proposals by Rabbi Naftali Zevi Yehudah Berlin, head of the famed Yeshiva of Volozhin and one of the leaders of the "Lovers of Zion" movement was put forth in 1888. In all fairness to this religious leader, we must recognize that his expressed purpose was to quell rumors and malicious reports. The body of the proposal is incorporated in a letter which Dr. Leon (282) Pinsker wrote to one of his co-workers:

"The great scholar of Volozhin writes that in order to put an end to rumors which come concerning our brethren in the Holy Land that they do not keep the Sabbath and the commandments dependent upon the Land, he finds it proper ... to place over the settlers of the colonies which are under our hand, a man who is peerless in his fear of G-d, and great in the knowledge of the Torah and the commandments... and he proposes Rabbi Naftali Herz from (283) Bialistok, who is now rabbi in Jaffa, who will ... be the supervisor of the colonies insofar as

(282) "Ketavim l'Toldot Hibat Ziyon" Odessa 1919 Vol. I. Page 365-366. Edited by A. Druyanov.

(283) The one who caused a furor over the presentation of the play "Zerubabel". Note (170b).

the keeping of the commandments is concerned ...
and if it would be found necessary to stipulate
for him a certain salary, it would not be
(284)
impossible"

However, the Ashkenazic rabbis in the Holy Land did not seek supervisory positions over the colonies. But the growth of the settlements and the increasing number of settlers, almost wholly Ashkenazis, affected the Rabbinate. Impetus for the espousal of a status of equality with the Sephardic rabbinate was given. Communal responsibility in the face of new events was keenly felt. The visit of the German Kaiser Wilhelm II in 1899 and the hopes attached to it by the Zionist as well as the non-Zionists brought the Ashkenazic rabbinate into a position of leadership. Rabbi Salant went to the German consulate in the company of other religious representatives to be received by the Kaiser. On that occasion a prayer composed by him and the Sephardic Hakam - Bashi was presented and the signature of Rabbi Salant bore the title "Chief of the Rabbis for the Ashkenazic community in Jerusalem." (285)

(284) Pinsker himself preferred a layman, Yehiel Mikal Pines.

(285) "Yerushalayim" Luntz. Vol. V. P. 131-132.

use of such a title and the manner of participation of Rabbi Salant are noteworthy even though they had no immediate practical effects.

VIII

Jerusalem was the chief center of Ashkenazic rabbinical activities through this period. Statistically and numerically it was in the fore-front of other cities. It was natural that the smaller number of rabbis in the lesser communities did not contribute much to the institution we are discussing. Nevertheless, some cognizance of the various Jewish communities does round out the over-all picture of the Ashkenazic rabbinate and the religious life under its aegis in the 19th century.

In Safed two large synagogues and two "battey-
(286) midrashim" were at the disposal of the Ashkenazim. These served less than half of the total Jewish population of 7000, for the Sephardim possessed six places of worship and learning, indicating a larger population for the latter. Annually there would be an influx of many visitors, (Ashkenazim as well as Sephardim) because of the to the Lag B'Omer celebration

(286) Luntz, Jerusalem 1900. Page 266-270.

connected with Rabbi Simon Ben Yohai. Meron, the site of the Shrine erected over the grave of the ancient sage, is only three miles from Safed proper. But aside from this periodic event, Safed remained something less than notable in the religious life of the country. Individual rabbis because of piety, scholarship, or both, did lend glory and honor to it, for example, as Rabbi Shmuel Heller circa 1880, but the Jewish community never recovered the position it had held in the sixteenth and seventeenth centuries.

In ~~A~~^Sin Zaytun, a village at the foothill of Safed, a colony was established in 1891 and the leading rabbi of the Safed Ashkenazic community made it a point to visit it from time to time to advise the young settlers and to (288) inspire them to lead religious lives.

Jaffa, in the latter half of the 19th century, turned out to be quite an important Jewish community with the Ashkenazim outnumbering (289) the Sephardim 1760 to 1210. Formerly a ban existed against settlement in the city. It was feared that, because it was a port of first call,

(287) Luntz. Jerusalem 1899. Page 94.

(288) "Peri Etz Hadar" op. cit. Page 15.

(289) Luntz. 1898. See also "Jaffa" by M. Franco. Jewish Encyclopedia Vol. VII Page 52.

immigrants would settle there without proceeding to Jerusalem. This ban was rescinded in 1841 (290) by Rabbi Avraham Hayyim Gaglin of Jerusalem and the Jewish community of Jaffa flourished. Altogether three Ashkenazic synagogues and one Sephardic were established, as were two Talmud schools.

In the 1890's Rabbi Naftali Herz ha-Levi (291) was the leading Ashkenazic rabbi in the city.

Hebron, for its size, showed even more vitality than the other two cities. Only about 690 Sephardim and 410 Ashkenazim resided in the city in the 1890's. (292) Yet it possessed two Sephardic synagogues and two Ashkenazic ones, all inside the Jewish quarter of the town. In addition three yeshivot, and five "Talmud Torahs" existed in the city. Of the latter only one was (293) Ashkenazic.

Even more germane to our discussion was the existence of a rabbinical administrative system in the city. The Sephardim had a chief rabbi and

(290) Sephardic Chief Rabbi at the time.

(291) See preceding section, concerning the attempt to appoint him as spiritual leader for the colonies.

(292) Luntz, Jerusalem. 1895. op. cit.

(293) "Minhat Kena'ot" by Avraham Hayyim Penso. Jerusalem 1879. See introduction.

a council of seven to administer all the affairs
of their community. The religious life was
in the center of things and the necessity for
a lay council was not felt. The Ashkenazim
too had their council, but in a more traditional
form, a rabbi and a "bet-din" of three. (294)

However it was the Jerusalem community
in its component Sephardic and Ashkenazic
sectors which set the tone for the other com-
munities. And by the turn of the century the
Ashkenazim were beginning to sound the dominant
notes.

(294) Luntz. op. cit.

Chapter IV

The Establishment of the Chief Rabbinate

The historic event of the formation of the Chief Rabbinate in Israel, after World War I, could not have taken place without a rapproch^ement between the Sephardim and Ashkenazim. The Chief Rabbinate is a joint institution.

During the latter half of the 19th century there were portents and signs that a meeting of minds was taking place. In 1891 an Ashkenazic rabbi was appointed as rabbi for the whole Jewish community of Jaffa comprising Sephardim and Ashkenazim. As Rabbi Ya'akov Meir, later Sephardic Chief Rabbi, put it: "Yet thirty years ago I travelled to Jaffa and placed Rabbi Naftali Herz ha-Levi on the rabbinical chair for Sephardim and Ashkenazim."⁽²⁹⁵⁾ This fact stands out in contradiction to those who see the cleavage between the two groups as one of longer duration, lasting into the twentieth century. In writing of conditions in Jaffa in the year 1904, the year when Rabbi Kuk

(295) "ha-Tor" Vol. L. No. 23. Page 15.

arrived, one author puts it as follows: "Between the Sephardic and Arabic speaking Jews on the one hand, and Northern European and Ashkenazic Jews on the other, there was always a distinct line of cleavage. Each community maintained its own educational, ritualistic and rabbinical institutions." (296) In view of the episode in Jaffa mentioned by Rabbi Meir and in view of the attempts at joint action and joint communal organizations set in motion by Rabbis Elyashar and Salant in Jerusalem, the communities were hardly as divided as all that.

The best minds in both camps, attempted to increase cooperation and strengthen the mutual ties. Thus Rabbi Kuk, upon arriving in Jaffa in that summer in 1904 won the respect and admiration of both communities. Even when the Jewish population of the city grew and warranted more than one chief rabbi, this admiration and cooperation did not abate. The following sentiments were voiced by Rabbi Ben-Zion Meir Hay Uziel upon becoming the Hakam -

(296) "Banner of Jerusalem" by Dr. Jacob Agus. Bloch Publishing Co. New York 1946. Page 67

Bashi for Jaffa in 1911: "I am most happy, and I count it for a great privilege to stand in the near presence of the great teacher, the outstanding sage, our rabbi, Rabbi Avraham Yizhak ha-Kohen Kuk, may the Lord preserve him and keep him, the Chief Rabbi and the spiritual leader of the community of Jaffa and its colonies, and it is my hope that the wisdom of peace shall be in our midst always and may the Almighty command from His heaven His blessing upon us and grant us good counsel to guide this important and honorable community." (297)

Rabbi Kuk had achieved already a reputation prior to his arrival in the Holy Land at the age of thirty nine. He had edited a short-lived periodical called "Ittur Sofrim", had written a work on the laws and customs pertaining to phylacteries ("Habash Pe'er") and participated in the rabbinical journal "Peles". (298) Upon taking up his position in Jaffa he began to make regular inspections of the colonies and began to write voluminously, in the form of letters and rabbinical discourses, on questions

(297) From his inaugural address. Published in "Mikmaney Uziel" Tel-Aviv 1939. Page 317.

(298) "ha-Hed" Sept. 1935.

of Jewish law bound up with the Land. His status in these colonies was semi-official. The Ashkenazic Rabbinate of Jerusalem notified Baron Edmund de Rothschild that Rabbi Kuk is empowered by them to conduct tours of inspection in the colonies in order to safeguard religious matters. After one such tour Rabbi Kuk wrote as follows:

"And there is no other way (counsel) concerning this, my dear brethren, to save ourselves and our generations ... but to add to our work that of the practical work of re-birth. A life of physical well-being and the broadening of the mind ... will bring into realization our wonderful treasured capabilities." (299)

So wrote a rabbi in terms resembling those of A. D. Gordon.

Rabbi Kuk's main interest in the early years was the strengthening of religious thought and law. He did not delve into organizational-rabbinical problems, but did offer his opinion on every important public issue of the day. Yet, even in this there were attitudes and tendencies

(299) "Igrot Raa'ya". A collection of Rabbi Kuk's letters. Jerusalem 1923. See Page 145-146.

which marked his whole ~~approach~~ and practices in the years to come. He regarded himself as rabbi of a whole community including the irreligious elements. Cooperation with all elements, he held, was possible and the persecution of any, unwarranted and unnecessary. He believed that the full flowering of the Torah was possible in the Holy Land, and that it will come about because of its own merits without any coercion of any kind.

Thus when Eliezer Ben Yehudah in 1905 published an article in the "Hashkafa" ⁱpraising the supporters of the Uganda project at the (300) Zionist Congress, and adding additional praise to those who "had the courage to turn (301) their backs on the national-religious past" Rabbi Kuk took a firm yet mild stand against the ~~paper~~. His main counter-arguments were that there can be no future without a past; that a nation can bring upon itself catastrophe if it were to sunder all relationships with its past; that as far as Israel is concerned it is

(300) The well-known British plan to settle Jewish people in East Africa, and permit a Zionist state to be established. See "Zionism" The Universal Jewish Encyclopedia Vol. 10. Page 652.

(301) "ha-Hashkafah" Jerusalem. Vol. VIII. No. 48

impossible to separate nationalism from the Torah, for the source of our early nationalism is the Torah; and finally that the praises heaped occasionally upon the Jewish people by outsiders are only because of the Torah of Israel. (302)

A typical rabbi of the old school would have issued a ban on Ben-Yehuda and his works. As a matter of fact, Ben Yehudah's views on many problems were unpopular and he was ostracized for them by the Jewish Community of Jerusalem and its rabbinate.

Halakic and theoretical questions still predominated in Rabbi Kuk's thinking when he undertook in 1909 to publish and edit a new rabbinical journal for the rabbis in the Holy Land. It was to deal with all aspects of Jewish law and life but with special emphasis on the "laws of the Land". This attempt proved abortive. (303)

Only one issue appeared. But with unquenchable enthusiasm Rabbi Kuk set out to interest the religious elements in "supporting the hands of authors and poets and people of talent to

(302) "Banner of Jerusalem" Page 70

(303) "ha-Nir" Vol. I. No. I. Jerusalem 1909.

do the work with clear minds, the work of national rebirth ... to setting up literary platforms through newspapers, journals and other means of public communication". (304)

Little by little he began to couple his great erudition in Torah with his keen sense of some of the practical work to be done. He spent much time and energy in missives to the Diaspora on the superiority of wines and citrons ~~On~~ the Yishuv. At that time, neither were too popular, and concerning the citrons (ethrog) fine points of Jewish Law were raised. The question of whether they were hybrid arose. (305) Rabbi Kuk used his halakic knowledge and literary skill to allay fears on this score.

He came into real prominence in the affairs of the Yishuv when the "shmitah" questions arose once more in 1909. In 1888, three leading rabbis in the Diaspora, Rabbi Mordecai Eliashberg, Rabbi Shmuel Mohilever and Rabbi Yehosha Kutner proposed ways and means to solve this problem in the Holy Land. Since the commandments

(304) "Igrot Raa'yah" P. 113-114. See also "Eretz Yisrael B'Torato shel ha-Rav Kuk" by Dr. Meyer Waxman. "Yisrael". New York 1950. Page 43-46.

(305) "Igrot Raa'yah" Page 145-146.

of the Torah require of Jewish landowners only to let their fields lie fallow every seventh year, a transfer of ownership, even if it be done in a formal sense alone, would be a solution. The Jewish colonists would then work the land. Precedent was seen in the methods of selling all leaven, or foodstuffs with ingredients thereof, prior to Passover to a Gentile.⁽³⁰⁶⁾ The matter was not settled however. Opposition developed from Rabbi Naftali Yehudah Berlin and from the rabbis of the Yishuv. Rabbi Shmuel Salant was ready to consent only when and if the sale would be a full one, consummated with a legal bill of sale in accordance with the regular procedure under the laws of the Land.⁽³⁰⁷⁾ Since then the question came up periodically, and flared up in full force in 1909.

Rabbi Kuk took an unpopular stand as far as the Ashkenazic rabbis of the Yishuv were concerned. With certain modifications only, such as in the manner of harvesting, he revived the proposal of the three rabbis to permit the land to be worked in a "shmitah" year. This

(306) "Ha-Zevi" No. 18. 1888. Ed. by Ben-Yehudah.

(307) Ibid.

This placed him in the center of a controversy. Rabbi Jacob David of Slutzk who had settled in (308) Safed wrote a letter to Rabbi Kuk in which he stated the thesis that by "Removing the holiness of the land through the subterfuge of sale, the mitzvah of settling the Holy Land becomes null and void". This argument Rabbi Kuk refused to concede, stating that the holiness of the Land is independent of obedience to commandments. He furthermore defended his position by writing that only in ~~are~~ rebuilt and fully colonized Land could "shmitah" be truly kept. The whole question could be reopened (309) after the Land as a whole would be built up.

His logical stand, great erudition and legendary piety made many an orthodox Jewish settler or resident in the Yishuv, who looked for a champion against the irreligious elements, seek the leadership of the Rabbi of Jaffa.

Becoming a spokesman for the Yishuv both old and new, the Sephardic as well as the Ashkenazic, Rabbi Kuk began to be admired by some spiritual leaders who looked up to him as

(308) "AzKarah" ed. by Rabbi J.L. (Fishman) Maimon. Jerusalem 1937. 3 Vols. Vol. I. Page 115.

(309) "Igrot haR'ayah" Jerusalem 1943. Page 330.

the one rabbinic personality to unite the communities and the Rabbinate. The first rabbi to have such definite ideas on the subject, both as to the organization needed and the fitting and capable nominee for the position, was a Sephardic rabbi, Rabbi Ben^zion Uziel, who in his inaugural address on October 28, 1911 stated: "At this time of establishing the foundations of the broken House of Israel and the desolate land of Israel, it is natural to raise to life the spiritual Israelite Presidency (310) in its two aspects At this time we need a person of governmental stature to come and go in the halls of the Sultanate, to straighten the way and remove the rocks therefrom ... (Therefore) I am overjoyed that it is my pleasant lot to join the great luminary, the storehouse of wisdom and knowledge our Rabbi the great Gaon Avraham Yizhak ha-Kohen Kuk may the Lord preserve him and keep ~~that~~ upon him it is fitting to place (311) the crown of honor of lawgiver and President."

(310) Sephardic and Ashkenazic.

(311) i.e. Chief Rabbi, and for both communities. "Mikman^{ey} Uziel" op. cit. Page 317.

II

By the time World War I erupted in all its fury, the Palestinian Rabbinate found itself drawn into additional communal and public issues. In 1912 the Agudat Israel organization (known as the Agudah) was formed, representing non-Zionist religious Jewry. Earlier, in 1903, the Mizrachi Zionist Organization came into being, representing religious Jews who wished to be part of the World Zionist Movement. It was natural that the Rabbinate, in the Yishuv as well as that of the Diaspora, should be split between the two parties and their ideologies.

Rabbi Kuk attempted at first to be neutral. But it was not the passive neutrality as it was with other rabbis. He was ready to take a stand on issues though not ready to become a formal member of either organization. In 1913 he assented to attend the 11th Zionist Congress as a Mizrachi delegate, but was prevented from doing so because of an outbreak of Arab terrorism in the vicinity of the Jewish colonies. He did not wish to abandon his post. (312) In 1914 he

(312) Banner of Jerusalem. Page 86.

accepted a similar invitation from the Agudah to attend its second convention in Berlin and this time he sailed uneventfully. However ~~ements~~ caught up with him. The World War broke out.

The Yishuv was thus deprived of its outstanding leader for the duration of the conflict. No other Ashkenazic rabbi could replace him. Furthermore, many Ashkenazic rabbis found themselves in the difficult situation of aliens and nationals of a country at war with Turkey. They were hardly in a position to do anything to alleviate the harshness of the Turkish Government's decrees, especially those of exiles. The Hakam-Bashis were in a better position, but the Turks were at war and deference to the Sephardic rabbis and their petition, was superseded by the exigencies of this war. By the time ~~of~~ the British conquered Palestine in 1917, the power of the Hakam-Bashis waned completely. Dr. Hayim Weitzman, while visiting Palestine in 1918 in his capacity as chairman of the Zionist Commission, attempted to rectify the situation through a central rabbinical organization to handle all the problems which accumulated within the ranks

(313) Burstein, op. cit. Page 174.

of the rabbinate and within the religious institutions, but did not meet with success. (314)
It could^{not}~~not~~ have been otherwise, since Dr. Weitzman was an outsider.

However, the most important change in the whole structure of the Rabbinate was by then in the making. The post-war conditions, British rule, new possibilities and responsibilities under the Balfour Declaration caused the Sephardim and Ashkenazim to unite into one single religious communal organization. (315) Jerusalem showed the way. What Rabbi Uziel spoke about in 1912, and what Rabbi Kuk hoped for and expressed eloquently in many of his pre-war and mid-war letters, came about because of the modesty tact and organizational ability of the Sephardic Hakam-Bashi, Hayim Moshe Elyashar. Seeing the changed conditions, he gave up his prerogative of rank over and even equality with, the Ashkenazic rabbis, and persuaded also the extremists to join him in a United Rabbinical Committee for Jerusalem. (316) Fourteen Ashkenazic and eight Sephardic rabbis served on

(314) Ibid.

(315) "ha-Tor". No. 20

(316) "ha-Havatzelet" Vol. 31. No. 16.

the committee with the Ashkenazic rabbi, Yizhak Yeruham Diskin presiding, and Rabbi Elyashar acting as vice-chairman. One of the most notable members of the committee was Rabbi Yosef Hayim Sonnenfeld who later was adamantly opposed to the Chief Rabbinate, but who actually helped pave the way for it by joining this committee. Other committee members who were destined to play an important role in the Rabbinate were Rabbis (317) Ya'akov Moshe Harlap, and Zevi Pesah Frank. The committee met difficulties from the outset, mainly because of two factors: It had no official status where the Government was concerned, and its whole procedure of appointments and activities was on a personal relationship basis between the rabbis rather than in a constitutional or institutionalized form. Nevertheless the impetus was given to other communities to follow suit and disband the separate Ashkenazic and (318) Sephardic rabbinical organizations.

On May 1st, 1919 another important step was taken on the way to establishing of the Chief

(317) At present Chief Rabbi of Jerusalem.

(318) "Mishpat ha-Medinah ha-Ivrit" by Professor S. K. Mirsky. Talpiot. 1948. Page 352.

(318a)
Rabbinate. The first inclusive rabbinical convention in the Holy Land took place. The initiative in calling this convention belonged jointly to the Jerusalem Rabbinical Committee, the Mizrahi Organization, and the support of individual rabbis throughout the land. (319) The conference was attended by the Military Governor of Jerusalem, representatives of the Zionist Commission and local Jewish institutions. It convened in Jerusalem.

Since there was no individual rabbinical personality to dominate the convention to the extent of setting up a centralized rabbinical organization, this was not done. Instead the convention busied itself with discussions and resolutions pertaining to the various religious and communal problems faced by the Yishuv. The resolutions are especially noteworthy because they presented a preview of interests of the organized rabbinate at a later period. (320)

Here are some of the more important ones: (321)

(318a) Rabbinical instructors in the various Yeshivot participated too.

(319) "Hayenu" Jan-Feb Vol. I. No. 12. See article by Rabbi M. Ostrowsky.

(320) For the preservation of these resolutions we are indebted to Rabbi Uziel who kept minutes of the proceedings.

(321) "Mikmaney Uziel" P. 333-340.

"The Rabbinical Convention asks of the British Government to fulfill its promises under the Balfour Declaration.

"The Rabbinical Convention asks of the British Government to recognize the Sabbath and the Holidays of Israel as official rest days of the country.

"The Rabbinical Convention asks that the (322) various rabbinical offices and rabbinical courts be recognized in all matters of religion, "kashrut", laws of personal status, inheritance and religious (323) endowments."

"The Rabbinical Convention asks that our Hebrew tongue be recognized as one of the official languages in all the departments of the Government.

"The Rabbinical Convention turns with love to the Hebrew troops who conquered the Land and keep peace and asks that they be supplied with kosher food, and that in all their stations places for gathering and prayer be set aside for them.

(322) A reference to the Bet-Din of each community.

(323) Note the limitation of fields of activity. The Rabbinate in Israel today has no more power than outlined in the above demand!

"The Rabbinical Convention asks of the British Government and of the Histadrut Labor Federation and of our national institutions, and our offices which conduct communal activities to seek the cooperation of the Rabbis in consonance with their rabbinical positions. (324)

"The Rabbinical gathering expresses its deep protest over the establishment of lay peace courts in our land. (325)

"The Rabbinical Convention standing on this clear and truthful principle, demands with its full strength that the laws of the Land shall be the laws of the Torah, and the judges be those judges chosen by the Torah. (326)
(327)

"The Rabbinical Convention hereby decides to place in each 'bet-din' court scribes or clerks.

(324) The reference seems to be here to that type of activity which should come legitimately under religious auspices.

(325) The Jewish peace courts conducted by laymen are discussed further on.

(326) Of being against the peace courts.

(327) This particular resolution is not as extreme as it reads. Under Turkish rule this was the experience for Moslems' with their own Sharia courts, and for the Jewish communities with their "battey-din" (rabbinical courts). Certainly the reference is to rabbinical courts for the Jewish communities alone.

"The Rabbinical Convention recognizes the rabbinical courts in Jaffa, Safed, Tiberias and (328) Haifa as places for central rabbinical courts around which all the settlements will concentrate when it comes to any legal and religious matters such as the verification of individual rabbinical decisions, the appointment of kosher cutters and inspectors, religious judges and others who serve in holiness.

"The Convention decides to establish in each settlement a 'bet-din' of three, of which two shall be from the older settlers who have studied and learned and are known for their knowledge and understanding, and the third, a representative of the Rabbinate who shall be at its head.

"The Convention limitss the rights of the individual settlements to judge only civil matters between man ~~and~~ man and between husband and wife, but in matters involving two settlements, the buying of land, inheritances and wills, adoptions, divorces and levirate releases, they must appear only in the Central Rabbinical Courts.

(328) Jerusalem, because of its size, was left as an entity unto itself.

"The local courts are required once a month to send on to the central court a full report of all their cases and decisions which came before them and were issued by them as well as all the marriages performed in their settlements.

"The central courts must be united courts composed of both communities (Ashkenazic and Sephardic).

"The Rabbinical Convention standing on ancient principles desires to establish a national rabbinical fund which will cover the salaries of the rabbis and their offices, the expenses of the central House of Study in Jerusalem, and cost of publication of (contemplated) rabbinical literature.

"The Rabbinical Convention demands that the religious character (of the Land) be kept in our city streets and in our settlements.

"The Rabbinical Convention demands that in every city and settlement, even unto the smallest

(329) An institution not in existence at the time but being contemplated. "Mikmane Uziel". Ibid.

(330) To be issued by the aforementioned institution. Previous rabbinical costs were met by Halukah money or light taxes such as on kosher meat.

(331) Obviously a reference to public observance.

one of the Yishuv, there should be a place for worship, a religious slaughterer and inspector, a Talmud Torah, a kosher public kitchen, a 'mikvah' (ritual bath) and that the budget for these be forthcoming as soon as feasible from our national funds."

Other resolutions were embodied in the final report which were stated in more general terms. There were some expressions of bitterness against certain leftist colonies who had adopted atheistic philosophies; expressions of anguish over looseness in morals brought on in the wake of the war, and finally resolutions of deeply felt sorrow over the victims of the War and the pogroms which followed it.

From the viewpoint of the development of rabbinical institutions it is important to contemplate three points in the resolutions: That of a united Ashkenazic-Sephardic rabbinate; that of centralized rabbinical courts; and that of absolute opposition to the lay peace courts beginning to flourish at that time. As for the first point, there were indications of such a step as early as the agreement of Rabbis Elyashar and Salant in 1895 and a similar one (332) in 1910, wherein there was a united front for

(332) "Yehudey ha-Mizrah". Vol. I. Page 137.

governmental matters. The second point is of course in keeping with ancient Talmudic traditions of courts of three, of a smaller Sanhedrin of twenty three and of the large Sanhedrin of seventy one. In the Yishuv there was enough experience to warrant such an arrangement. The Sephardim had their rabbis with central authority vested in a Hakam-Bashi. The Ashkenazim experimented with centralized rabbinical committees, at least in Jerusalem, in the 1870's. ⁽³³³⁾ It was the third issue, that of steadfast opposition to the lay courts which was in a sense, a relatively new issue.

These lay courts, grew up out of the exigencies accompanying the rise of colonization in Palestine. In the various settlements, isolated to an extent and imbued with the ideal of pioneering for a new life, the thought arose that it was not befitting to turn to the general courts in disputes and legal problems affecting fellow "halutzim". As for rabbinical courts, two factors motivated against them: The rabbis were concentrated in the larger cities, for

(333) See previous Chapter. Also "Luah Eretz Yisrael". Nos. 21-22. Page 217.

one thing. Secondly, the socialist theories of many of the settlers alienated them from the religious way of life. They felt they needed no rabbinical advice. Their own philosophies and common sense would enable them to pass judgement on all matters which might arise. Their attitude was summed up by Rabbi Meir Berlin, one of the more moderate religious leaders and head of the World Mizrachi movement for many years, on the basis of direct contact (334) and talks with various colonists:

"Two main viewpoints are to be found as basic to this 'Mishpat Shalom' ... One is the viewpoint that the laws and the judgements are our religious heritage from our forefathers, and one who is not religious need have no contact with them. The second viewpoint is that Jewish law is based on strict law whereas the new law is based on peace (and understanding)". Naturally Rabbi Berlin points out that insofar as peace and compassion are concerned, the Bible and Talmud are replete with them. And as far as placing the label of religion on Jewish Law,

(334) "ha-Mishpat ha-Ivri U'Mishpat Ha-Shalom" by Rabbi Meir Berlin. "ha-Tor". Jerusalem Vol. I. No. 20

that is a false move and historically an incorrect notion. Other religions do separate religion and life. Rabbi Berlin contended that Judaism knows of no such separation. If we want a national life, of our own, it must be based on Torah, for Jewish people know of no other forms.

The whole system of the "Mishpat ha-Sh^olom" was a haphazard one with rules differing from colony to colony. Actually it worked through an arbitration board of the settlers, with the numbers of the participants dependent upon the settlement. It could only succeed if the litigants chose to accept the judgement passed, although group pressure was usually strong enough to make them do just that. (335) It was obvious why the procedure and the basis for such judgements were an anathema to the rabbis, but the resolution against this system of law only remained a resolution. This was true of much that was said and decided at the Rabbinical Convention of 1919. Yet the groundwork was laid for the real establishment of a rabbinate with authority. By the time Rabbi Kuk returned to the Holy Land and Sir Herbert Samuel became the High Commissioner with British civilian rule taking over, such a Yabbinate became a distinct possibility.

(335) Ibid.

III

While in exile during the war period, Rabbi Kuk conceived of a new religious organization which would meet the needs of the Yishuv and serve as the meeting ground for Mizrachi and Agudah members. He called it variously (336) "Yerushalayim", or "Degel Yerushalayim". Concerning the purpose of this organization, he (337) wrote as follows: "I think that from the days of Herzl on, our national renaissance movement has appeared in its secular manifestation only, which is also an important and honorable matter, and the secular project is destined to be a basis for the sacred one ... But in order to complete our rebirth movement and raise it to the desired heights we shall call together our organization, the 'Organization of Jerusalem', which proclaims that every man must be a Zionist to do the secular work of the nation, and a Jerusalemite to do its holy work"

To many the project appeared as nebulous and vague. The rabbi to whom this letter was

(336) See his letter to Rabbi Hayim Hirshensohn published in "Malki ba-Kodesh" Vol. III. P. 8 of the introduction. Muenster Press-St. Louis. 1920.

(337) Ibid.

addressed replied with questions as to what will be the work and the practical aspects of the movement.

Rabbi Kuk hoped to unite the religious Israel and especially the religious Yishuv in the Land of Israel. But events in 1919 made him realize that the Rabbinate needs to be united first. A rash of public letters and proclamations broke out in the Holy City. The Rabbinate there split on the question of women's right, an important issue of the day since ~~over a~~ democratically elected Jewish Council was being planned. The initiative came from the Zionist organizations, and Rabbi Yizhak Yeruham Diskin with Rabbi Hayim Yosef Sonnenfeld put out a letter titled "The Opinion of the Torah" calling (338) upon all religious Jews to "Disassociate Yourselves". The letter stated that if women were to participate in the election, no religious Jew was! They had support in their stand from Rabbi Mikhael Tukaczinsky, who until then did not belong to

(338) "Miktav Galuy" Jerusalem 1919. Plastered on the wall of the various synagogues in Jerusalem. A copy was preserved by Rabbi Hershensohn and reprinted in "Malki ba-Kodesh" Vol. II. Page 12.

their extreme faction. His "Da'at Torah El
(339)
Kithal Yisrael", being written in a milder
form, made a greater impression on the other
rabbis. The thesis was the same. Against both
(340)
these factions came Rabbi Zevi Pesah Frank
who made two telling points. First, most women
are pious. At least he felt that was true in
Jerusalem. Secondly, if Rabbis do not permit
the vote, the irreligious elements might emerge
victorious and so the religious ones would
lose out anyway!

It was obvious that the non-religious
elements made capital out of these controversies,
charges and countercharges plastered on the
walls of synagogues and "yeshivot" or printed
in periodicals in Jerusalem and elsewhere. Finally
a representative group of leading religious
Jewish figures in the city got together and formed
(341)
a "Community Council of the Jews in Jerusalem",

(339) Published in Jerusalem in 1919.

(340) His words were published in "Hadashot
Me-Eretz Yisrael" 1919. Alexandria. It
is interesting to note that Rabbi Frank
at present is one of the adamant opponents
of any form of women's national service
in Israel!

(341) "Banner of Jerusalem" Page 108.

which did ~~not~~ have women representatives on it, but did lean to the milder views of Rabbi Frank. Before larger issues could be resolved, they decided to recall Rabbi Kuk to Jerusalem and install him as Chief Rabbi of the community. Rabbis Diskin and Sonnenfeld and their group seceded and formed their own "Community Council for the Ashkenazic Congregations". Rabbi Diskin, feeling himself infirm, placed the mantle of leadership on Rabbi Sonnenfeld. (342)

It was in such an atmosphere that Rabbi Kuk began his work of trying to unite the various rabbinical factions. A typical letter which he addressed to Rabbi Sonnenfeld read as follows: (343)
(344)
"Even though his Torah Honor passes me by on the way ... and thereby lends a hand to the writers of libelous missives who turn about holy words which I uttered from the fullness of my heart, I forgive and exonerate all who have made me a ~~target~~ ... I call on his Torah Honor that he should join the Rabbis of the Land of Israel to strengthen Torah and traditional Judaism within Israel"

(342) "Ammuda de-Nehora" by M. Blau. Jerusalem 1932. Page 40-52.

(343) "ha-Tor" Vol. I. No. 20.

(344) Meaning Rabbi Sonnenfeld.

The letter was futile. Rabbi Kuk was regarded by Rabbi Sonnenfeld's followers as merely the Rabbi of Jaffa, though to the credit of Rabbi Sonnenfeld it must be stated that there were no personal matters involved in his antagonism. He simply felt that the cooperation with irreligious Zionist elements or the relaxation from the rigid ways of the old Yishuv and its traditions were wrong and were dangerous for the spiritual well-being of the Jewish
(345)
Community.

At this time however, the British Government took a momentous step in the matter of the Rabbinate. Being used to dealing with heads of various religious systems in its colonial administration throughout the Empire, it set into operation a plan for centralizing the Rabbinate. The initiative came from Sir Herbert Samuel, newly appointed High Commissioner for Palestine. Details for calling the rabbis together and planning the form of the convention were worked out by Mr. Norman Bentwich, Attorney General for the Government, but credit for the results which emerged from the historic assembly belong wholly to the Yishuv's rabbis in general and to Rabbi Kuk in particular.

(345) "Ammuda de-Nehora" Page 90.

IV

Sir Herbert Samuel and Mr. Norman Bentwich approached the problem of the establishment of an official rabbinate from the viewpoint of the Government. They wanted such an institution to represent the Yishuv in all religious matters so as to facilitate governmental handling of the same. And the term religious matters embraced a great deal. Laws of personal status had to be included. For ~~Since~~ the Moslems had their religious courts and judges, and would not have accepted anything less, the Jewish population must have theirs. In certain categories there would still be room for those who wished to bring their litigation to British courts. Notably this would apply to matters of inheritance. Yet with all its practicality, the approach to the problem of the Rabbinate was made in reverence and respect.

Mr. Bentwich headed a committee of inquiry set up by the Mandatory Government. He collated representative opinions from the various factions within the Yishuv. Almost immediately it became evident that there was strong opposition; that there is "a pious section who are fearful of (any)

national development lest it should cut away
 (346)
 the hold of Jewish law." Then there were
 others from the other side of the fence who
 wanted to "do away with that which was bad
 (347)
 within the Rabbinate."

After the sifting of opinions, a proposal
 was worked out whereby 2/3 of the delegates to
 be present at the founding assembly would be
 Palestinian rabbis serving in the active rab-
 binate and 1/3 would be made up of lay represen-
 tatives chosen by the various community councils.
 In practice , the community councils adjusted
 the number of delegates to be in consonance
 with the one third figure. The larger com-
 munities had a larger secular as well as rabbinical
 (348)
 representation. The convening of the assembly
 (349)
 was set for February 24th, 1921 in Jerusalem.

Rabbi Kuk and all rabbis who leaned to

(346) "Palestine" by Norman Bentwich. Ernest
 Benn Ltd. London 1936. New edition 1946.
 See Prologue.

(347) Dov Boruchov, Poale Zion leaders as quoted
 in "ha-Aretz" No. 494. Boruchov did serve
 as a lay delegate, showing that he was
 in opposition to certain practices of the
 Rabbinate but not against it as an
 institution.

(348) "Iygun ha-Yishuv ha-Yehudi b'Eretz
 Yisrael" by Rabbi Moshe Ostrowsky.
 Reuven Mass. Jerusalem 1942. Page 24.

(349) "ha-Tor" no. 20

Mizrachi ideology welcomed enthusiastically the idea of the conference though they were somewhat dubious as to the necessity of wisdom of including non-rabbinical representatives. Rabbi Sonnenfeld and the Agudat Israel party went into opposition. They declared that date as a fast day for all pious Jews, for they saw in it an unholy alliance between traditional rabbinical concepts and secular practices. Their opposition was centered around the fact that a court of appeals from the various rabbinical courts was being contemplated and they saw in it a direct emulation of British law or the "practices of other nations." (350) To an extent their fears seemed to be justified. For soon after the opening address of the High Commissioner, Mr. Bentwich proposed that secular lawyers, well versed in the Common Law and its procedures, should be incorporated into any rabbinical council to be decided upon. Their purpose would be to guide the rabbis in practical and legal aspects of their work and keep the rabbinical courts on a high plane of efficiency, as well as cooperation, with the courts and laws of the Government. (351) Mr. Bentwich's

(350) Ammuda de-Nehora. Page 50-54.

(351) See "ha-Tor" issue of March 4, 1921.

proposal carried additional weight since he was elected as presiding officer of the assembly. As he put it: "The religious courts ~~are~~ to be guided by fundamental principles of the Jewish religion and in accordance with the demands of justice and equality of the present era." (352)

Tempers were aroused. The rabbis were in solid opposition to such a proposal, whereas many of the secularists were strongly for it. Dr. Joseph Klausner attempted to show that a grave situation would be created if litigations concerning personal status were to be handed over to the rabbis alone. The controlling hand of expert lawyers was needed, (if not wholly secular courts). His argument was based on the supposition that the testimony of non-Jews is unacceptable according to Rabbinical Law. He felt that this was an anti-democratic principle and would bring about unjust hardships in many cases. (353)

Rabbi Yehuda Leib Fischman, (later Maimon) then stood up to retort to Dr. Klausner. He quoted sources of Jewish Law to prove that the

(352) Speech quoted by Moshe Burstein in "Jewish Self Government in Palestine" Tel-Aviv. 1934. Page 175.

(353) "ha-Aretz" No. 132. 1921.

evidence of Gentiles is admissible if the
(354)
litigants are willing to accept it.

There were some communal representatives who wished to place their trust in the Rabbis. The attitude of such a representative as David Yellin is noteworthy. All along it was his feeling that "The hour has arrived for men of spirit amongst our rabbis to raise the honor of the Rabbinate. Rabbis of vision now have the opportunity to place the Rabbinate on a sound basis, and to make it honored by the community at large."⁽³⁵⁵⁾ But the lay representation as a whole was adamant. It was at this point that Rabbi Kuk stepped in and showed breadth of vision. He offered a compromise:

"Three secular representatives, who are versed in Torah and pious in religion shall form an advisory council to the Chief Rabbinate. In matters of Jewish Law they should not interfere. Once a month they are to meet with the Rabbis concerning procedural matters and they will aid them."⁽³⁵⁶⁾

(354) His words were based on the decision of the ROSH, Rabbi Asher Ben Yehiel in his notation to tractate Baba Kama Note 19; also on the decision in Shelot U-Tshubot "Mas'at Binyamin" No. 28.

(355) "ha-Tor" No. 20.

(356) "ha-Tor" Nos. 21-22.

It was understood that this aid was to come in such matters as the laws of the Government, litigation that might pertain ^{to} or had originated in, the civil courts, or any matter that was not wholly within the jurisdiction of the Rabbinate.

Another storm arose in the assembly, which threatened to put to naught the entire project. A rumor spread that the Government had approached quietly the dissident group headed by Rabbi Diskin and Sonnenfeld and proposed to arrange for them a separate community with a separate rabbinical court. These two were to be recognized as official. Whether the Government thought of doing so or not, was beside the point, for on this question the assembly presented united opposition. Mr. Bentwich had to hurry back to the next session and deny such a move before the work of the Assembly proceeded. (357)

The Assembly might have become immersed in further details as to the number of rabbis composing the Chief Rabbinical Council, relationships with local rabbis, intricate problems of

(357) Ibid. Page 15.

Jewish Law, and so forth. However, the good sense of Rabbi Kuk prevailed. He spoke out forthrightly and yet most tolerantly at many a point, and kept emphasizing the overall need for the formation of a Chief Rabbinate. He inspired confidence and exhibited the sorely needed qualities of leadership. The Sephardic as well as the Ashkenazic delegates were willing to follow his recommendations of keeping the main problem in mind and allowing for the solution of details at a later period. (358)

Finally the elections were held. There was no question of the outcome.

Rabbis Avraham Yizhak Ha-Kohen Kuk and Ya'akov Meir were chosen as the Chief Rabbis. A council of six, three Ashkenazim and three Sephardim were appointed to assist them. The six were: Rabbi Zevi Pesah Frank, Yonah Rom, Fishel Bronstein; and Binyomin Alcozir, Ben-Ziyon Ko'amikah and Avraham Filosof. Three counselors, lawyers of note, were chosen in accordance with Rabbi Kuk's compromise: A. Eliash, M. Levanon and I. H. Panizel. (359)

(358) "Banner of Jerusalem" Page 102.

(359) Official Gazette of Palestinian Government. April 1st 1921.

No distinction was made between the Chief Rabbis. The implication was that they were to have equal status and work together. Indeed the title and office of Hakam-Bashi was abolished by the Mandatory Government upon the conclusion (360) of the Convention. This had to be done in the natural course of events since the title was bestowed by the Ottoman regime. The office had given its holder, and through him the Sephardic community, special privileges and powers. As long as this community was the dominant one in numbers, such a situation was acceptable. But by 1921 neither the Ottoman regime nor the numerical dominance of the Sephardim existed. Consequently, the Mandatory Government was able to abolish the aforesaid title without any objections. At the same time the Government made it clear that the Chief Rabbis take the place of a Hakam-Bashi. Also a careful balance was kept between the communities by apportioning to each an equal number of representatives on (361) the Rabbinical Council.

(360) "Legislation of Palestine" Vol. II.
Printed by H. M. Government. Page 392-393.

(361) Ibid.

Further recognition for the resolutions of the Convention was accorded by the Government in keeping with its own original plans: The Council and every single religious court recognized by it would be given full authority in all matters of Jewish Law. A higher appellate court, sitting in Jerusalem, would have review jurisdiction. The Council was to be empowered to carry out the decision of this court as well as that of any of its lower courts by resorting to the civil courts for use of legal powers. (362)

The Rabbinical Convention had come to a successful close. The installation of the two Chief Rabbis, celebrated several weeks later, was marked by a mass procession, the attendance of dignitaries and large throngs of people, greetings from many far flung Jewish communities and the high hopes of the Yishuv.

(362) Ibid.

Chapter V

Religious Institutions In the Mandatory Era

The first exhilaration over the establishment of the Chief Rabbinate spent itself soon. Rabbinical leaders expected that the Government would cooperate fully with the newly established institution, but the cooperation was a hesitant and cautious one. The first test came on April 5, 1921 when both Chief Rabbis sent a joint letter to the High Commissioner and requested (363) three grants:

"Absolute freedom from duty for Jewish soldiers on Sabbaths and holidays whether this duty was in an official or military capacity.

"A special kosher kitchen.

"A setting aside of a special place in the camp for prayers".

Sir Herbert Samuel answered that he ^{would} will look into the requests. No positive action was taken.

Another test as to the powers of the Rabbinate, took place within the Yishuv itself.

(363) "ha-Tor" Vol. I. No. 30. Similar requests were made by the Rabbinate of the Israeli Govt. after the establishment of the State.

In June of ~~that year~~, 1921, a public desecration of the Sabbath occurred in the streets of Jerusalem. The members of one non-religious "kibbutz" passed with their donkeys, horses and wagons through the streets on their way for a long hike. The Rabbinate and many religiously inclined people protested vigorously. Especially did this incident become a public issue because the land which this cooperative settlement possessed, was Jewish National Fund land. The leaders of the Yishuv and the Jewish National Fund reacted with dispatch and respect to these protests. Dr. Arthur Ruppin wrote them as
(364)
follows:

"The Board of Delegates and the administration of the Jewish National Fund do not wish to take upon themselves the right to be supervisors over the way of life of our groups who labor on our national farms. They do not intervene in establishing the modes of life of our settlements ... But they do not deem it proper to permit groups, who were able to settle down by means of national funds, to pursue publicly actions which reflect unfavorably

(364) Ibid. "Ma-Tor." No. 30

(365)
upon the Administration And therefore
we deem it advisable to warn hereby that we
will be forced to suspend all budgetary al-
lowances and grants in aid (to such groups)".

It is clear that the Yishuv, through its
leadership, was willing to go along with the
Rabbinate insofar as public observance was
concerned. This is all the Rabbinate demanded.
Rabbi Kuk in turn made it clear time and time
again that no interference with private lives
was intended. He only saw it as his duty to
lend a hand to all who may wish to be religious.
The land must be a place where voluntarily all
"sick souls from all parts of the world (can)
come to sink their roots to be renewed and
(366)
invigorated". Furthermore Rabbi Kuk realized
that public regulations issued by the Rabbinate
could only become effective through the good-
will of the Yishuv as a whole. "Of course there
will be times when we shall find it necessary
to promulgate regulations, which if agreed upon
by the majority of the leading Rabbis of Israel
and accepted afterwards by the public at large,

(365) Of the Jewish National Fund.

(366) "Azkarah" Vol. I. Page 234.

(367)
they would have the power of a law of the Torah".

The whole power of the Chief Rabbinate was to stem from rabbinical and public acceptance.

To assure at least the rabbinical acceptance, a council of twenty-three rabbis, representatives of various parts of the country, was chosen to aid the duly constituted Chief Rabbinate of two Chief Rabbis and six assistants. This Council of twenty three had no official capacity. It came about as an inner rabbinic decision after a meeting at Rabbi Kuk's home. (368)

The twenty-three figure was an emulation of the small Sanhedrin of ancient times and paralleled to an extent a similar attempt of a lay-rabbinic council of the Ashkenazic Yishuv of the 1870's. Twelve of the twenty three mandates were allotted to Jerusalem. Three from Jaffa, two from Hebron, one from Haifa, one from Tiberias, one from Petach Tikva, one from Zikron Ya'akov and two (369) from Safed completed the required number.

(367) "Hiddush ha-Sanhedrin". Page 56.

(368) Ibid.

(369) Ibid. Page 97.

It was hoped that such a representative rabbinical council would unite the whole Rabbinate of Israel.

In one major respect the Chief Rabbinate did not expect to rely on voluntary good will. Legal status and recognition of Jewish Law by the Government was expected and the expectations were realized. The 1922 Orders in Council, virtually the constitution of Palestine, contained the following three paragraphs: (370)

"The Rabbinical Courts of the Jewish Community shall have:

- (1) Exclusive jurisdiction in matters of marriage and divorce, alimony and confirmation of wills of members of their community other than foreigners.
- (2) Jurisdiction in any other matters of personal status of such person, where all parties to the action consent to such jurisdiction.
- (3) Exclusive jurisdiction over any case as to the constitution or internal administration of a Wakf or religious endowment, constituted before the Rabbinical Court according to Jewish Law."

(370) "1922 Orders in Council" paragraph 53. Appendix B. by the Attorney-General for Palestine in "England in Palestine". London. 1932.

It is clear that the Mandatory Regime adopted such a policy, because it was in keeping with the practices prevalent among the communities of different religious persuasions. Civil marriage and divorce could only be meaningful to a non-religious European-oriented person. Even then, the rules for marriage and divorce differed so vastly from country to country that any attempt to adopt them in Palestine (371) would hardly have been a unifying action. The other provisions were likewise in keeping with practices prevalent in Palestine — practices dating back to Ottoman days.

II

Until January 1st, 1928, the religious institutions of the Mandatory Government were established in a piecemeal fashion. Some regulations were superimposed on those institutions already in existence. Other regulations or practices grew out of necessity. However on the date cited above, the Rabbinate became part of a large plan for the organization of the Jewish

(371) When in 1953 the revised law giving the Rabbinate exclusive jurisdiction in marriages and divorces became official, this merely followed the earlier precedent set by the Mandatory regime.

(372)

community, and its religious institutions.

Knesset Yisrael, or the organized Jewish community was to have five institutions, three secular and two religious ones: The "Asefat Ha-Nivharim" or Elected Assembly, constituting the legislative arm of the Yishuv; the "Vaad Leumi", or National Council, constituting the executive arm; the local councils; the local rabbinical offices; and the Chief Rabbinate. The Chief Rabbinate was recognized as the religious representative of "Knesset Yisrael" vis-à-vis the Government of Palestine. (373)

This whole ruling naturally was of great importance in the history of the Rabbinate. It established it as an integral and official institution of the Yishuv. But it is important to remember that the Yishuv asked for such an established Rabbinate. The request came from the Asefat Ha-Nivharim through the Vaad Leumi that the Knesset Yisrael be recognized as a religious community by the Government, to (374)

480 mg

(372) Official Gazette. No. 202. Jan. 1st, 1928.

(373) "Irgun ha-Yishuv" op. cit. Page 15.

(374) Ibid. Official Gazette. No. 202.

give it equal status with that of the Moslem inhabitants. This was done.

On the basis of this law for the Jewish Community as a whole, various details for the functioning of an organized rural as well as urban Palestinian Rabbinate were worked out. The power of deciding which community or settlement should have a single rabbi and which a rabbinical office of at least three religious functionaries was left to the discretion of the Chief Rabbinate. ⁽³⁷⁵⁾ Furthermore any election of a rabbi would have to be approved by the Chief Rabbinate. General supervision over the various rabbinical offices and the individual rabbis would likewise be in their hands.

In Jerusalem, Tel-Aviv, Haifa such rabbinical offices ⁽³⁷⁶⁾ were set up. In Hebron the 1929 massacre and the 1936 riots put an end to an organized Jewish community and its religious institutions. In Safed a united rabbinical office was first set up during World War II, but it

(375) Ibid.

(376) "Irgun ha-Yishuv" Page 39.

functioned poorly because of the physical and spiritual attrition which set in this once proud city, a rival to Jerusalem for pre-eminence in the Holy Land. (377) On the other hand, Tiberias achieved not only the organization of a rabbinical office for itself, but also for all of lower Galilee. As time went on, certain amendments to the regulations governing the local rabbinical offices took place. Mainly these were for the purpose of strengthening them.

"The local Rabbinical Offices of Tel-Aviv, Jaffa, Haifa and Petach Tikva bear titles Chief Rabbinate but their field of activity is limited to their district only. The local Rabbinical office of Jerusalem is called Chief Rabbinate for Palestine, Jerusalem Court". (378)

The duties of the local Rabbinical Offices were classified as follows: (379)

(377) Ibid. In all fairness to Safed, and in recognition of the changes wrought by the state of Israel, it must be noted that it is once more a thriving community.

(378) Palestine Gazette. 1938. No. 843. Page 1335.

(379) "Irgun ha-Yishuv" Page 17.

- "1. The local Rabbinical Offices or the Rabbi of the community shall be accounted as the recognized religious representative of the community vis -a'-vis the District Government.
2. Every Rabbinical Office is to act as a court of first instance ... and is to have that authority given over to a Court of Knesset Yisrael according to the Orders-in-Council ... All such courts are empowered, upon consulting the Council of the Community and upon consulting all parties to a dispute, in a legal manner, to appoint guardians for property of orphans.
3. Every Rabbinical Office serving as a court of first instance is empowered to probate wills according to the Laws of Israel.
4. Every Rabbinical Office can arbitrate ... any disputes between Jews in cases where there is an arbitration agreement by both sides.
5. The taxes of the courts are arranged by them, and are paid into the treasury of the Community Council to cover the expenses of the Rabbinical Office.

The method and procedure of election of the local rabbis was established at the same time. Representatives from the leading synagogues, equal in number with the members of the community's

council were to meet with the latter. If there was a Sephardic community it was entitled to a proportionate representation, dependent upon its numbers in relation to that of the other community. Thus the rabbi was chosen subject to approval of the Chief Rabbinate. Questions arising in the course of elections were to be referred to the Chief Rabbinate. The detailed procedure of elections was also to be referred to this institution as well as to the Vaad Leumi. (380)

While the Chief Rabbinate was given wide powers over the local Rabbinical Officials, it in turn was limited in another fashion. By 1936 the Government set forth the ruling: "The Chief Rabbinate is elected for five years". (381) The procedure was to have the Council of the Chief Rabbinate with the Vaad Leumi call a conference of seventy delegates, (382) forty two of whom shall be rabbis active in the Palestinian Rabbinate, and twenty two shall be representatives of the communities with the proviso that they

(380) op. cit. Page 18. See note 22 in our introduction as to how a rabbi is chosen in Israel today.

(381) Palestine Gazette. No. 582. 9/4/1936. Page 23.

(382) As noted above, this was in emulation of the ancient Sanhedrin.

be religiously inclined. This conference was to choose every five years the two chief Rabbis and their Council. Should any difference of opinion, as to procedure, arise between the Chief Rabbinate and the Vaad Leumi a committee of arbitration headed by a representative of the Jewish Agency was to decide. Then the Asefat Ha-Nivharim (383) would take over.

The function of the Chief Rabbinate to act also as an appellate court was clarified (384) two years later. Such a court had to be composed of no less than three members of the Chief Rabbinate's Council of whom one shall be a Chief Rabbi to preside over the deliberations. Any question which came up for jurisdiction in the lower rabbinical courts could be received by the appellate court. The only exception was made in questions of that which is ritually permitted or not permitted. Specifically, this referred to questions of "kashrut", for it was felt that the local rabbi being present when any specific problem arose, and being able to

(383) "Legislation of Palestine" Vol. II.
Page 2134. Sec. 9.

(384) "Palestine Gazette." No. 749
13/1/1938

conduct an immediate investigation would be in a far better position to judge aright the case involved.

The budget of the Chief Rabbinate was placed under the jurisdiction of the Vaad Leumi. Naturally the Rabbinate was fully consulted on its requirements. Rabbis of various localities were paid through the Community Councils. (385)

Finally, one more duty, was added to the those enumerated in the 1922 and 1928 Orders-in-Council. The Chief Rabbinate was made responsible for all governmental instructions concerning the Western Wall in the Old City of Jerusalem — Judaism's chief Shrine.

III

The organized Israeli Rabbinate entered an era full of activity. With its own house set in order, it helped organize other religious organizations and institutions to carry out a fuller program of religious life. Such

- (385) "Legislation of Palestine" Vol. II. Sec. 1325. The official status of the Rabbis caused such an arrangement to come about. Further details on the income and expenses of the Rabbinate will be found in section IV where the other religious institutions, such as the Shehitah Boards, are discussed.

institutions dealt with problems of "kashrut", "mikvaot" religious functionaries and burial. But in all its work, it was hampered by one major factor: Not all the Jewish inhabitants of the Yishuv recognized the Chief Rabbinate or its appointees. ^{Some} They simply refused to register as members of Knesset Yisrael, and consequently did not recognize its religious institutions.

By 1934, there were 5,366 Palestinian Jews who so expressed themselves. They notified the Government that their names should not be on the official Jewish Register. (386) In a population of over 200,000 this was a very small percentage. Nevertheless because of its strategic location and vociferousness it made itself known and heard.

Here is what Dr. Bentwich wrote about members of this group:

"They are affiliated to a world organization known as Agudat Israel ... They are found

(386) "Palestine" by Norman Bentwich. Former Attorney General of the Mandatory Power. Erenst Benn Ltd. London 1936. New edition 1946. Prologue Page I. See footnote three.

principally in the holy towns and have their own rabbinical organization. They have contracted out of the community in accordance with the enabling powers in the legislation and are not subject to Jewish taxation or to the Rabbinical Council for purposes of jurisdiction in matters of personal status".⁽³⁸⁷⁾

This was a problem both for the Yishuv and the Government. The Palestinian Supreme Court dealt with various phases of the problem, including the desire of the dissidents for their own organization and finally came up with this authoritative decision: "The Central Agudat Israel is not recognized by the Government as an independent Jewish Community with rights similar to those accorded to the Jewish Community ... the Rabbis of Agudat Israel are (388) (however) recognized as registering authorities." The Yishuv, on the other hand could not deal so decisively with the followers of Rabbi Sonnenfeld and the editors of the Agudat paper "Kol Yisrael". The latter constantly attacked the authority of Rabbi Kuk and descended to

(387) op. cit. Prologue. Page 1.

(388) "Supreme Court Judgements". 1942.
Sec. 791

personal epithets of such a nature that the religious Yishuv reacted finally with a public (389) letter:

Friday, sixth day of Shvat, 5693 (1933)

".....Amram Ben Shalomoh, Yizhak Blau, managing editor of the paper "Kol Yisrael," and also Yakov Ben Moshe Blau, director of Jerusalem's Agudah, (are) apostates in regard of this sin of dishonoring disciples of the wise ... they are under a ban ... and it is incumbent upon us to deal with them according to the laws of the Holy Torah concerning those who insult disciples of the wise ... (and we notify all) that this newspaper which does more damage to Judaism in a certain sense than do the well-known irreligious newspapers of Israel, should not be supported, neither by money nor by advertisements nor by announcements.

(signed)

The twenty four members
of the Religious Courts
of the Ashkenazim (Perushim and Hassidim).

The Chief Rabbinate took a more gentle

(389) "Ma'asey ha-Heres v'ha-Perud Shel Agudat Yisrael" by Dov Nathan Brinker. Jerusalem 1944. Zionist Archives. Pamphlet 31. Page 9 - 10.

tone both under Rabbi Kuk and his successor
(389a)
Rabbi Herzog:

"Blessed is the Name.

"After the efforts of the Chief Rabbinate
for Israel succeeded over a period of years,
and brought forth fruit, and the influence of
religious Jewry over public religious matters (390)
is assured ... we deem it proper to let it be
known unto many the Torah decision in the
resolution adopted at the time of the convention
of the Rabbis of Israel (391) that it is incum-
bent upon each and every one not to contract
out of the community but to stand on guard
that his name not be missing from the Register
of all adults of Knesset Yisrael.

Only with the strengthening of religious
Jewry — within the framework of the Community,
and the occupancy of a worthy place in accordance
with its worth and honor in general life ... is
there hope for the securing of our religious
values within the Community, and the perfection

(389a) This letter was published in "Irgun
ha-Yishuv" op. cit. Page 56.

(390) The word public is emphasized time and
time again in such declarations.

(391) The convention referred to here, took
place in June 1935.

of our religious institutions"

(signed)

Adar II. 1937. Chief Rabbinate for the Land of Israel.

The various decisions of Palestine's courts did continue to aid the Chief Rabbinate in its position. Thus: "A party who has submitted to the jurisdiction of the Rabbinical Court is precluded from later denying he was a member (of the organized Jewish community)" ✓

Of course, difference between Jewish Law and Mandatory Law did arise. According to Jewish Law, a Jew is one born of a Jewess (393) or one who has become a proselyte. (394) According to the Civil Law of Palestine the entry into a register of marriage relating to the religion of the couple could be regarded as proof, even (395) if not conclusive proof. The criterion was that of personal declaration. But by and large the Civil Courts supported the Rabbinical Courts as provided in the Orders-in-Council of 1922 and

(392) "Selected Cases of the District Court of Jerusalem". Jerusalem 1945. Nos. 328, 142.

(393) Mishna Tractate Bikurim, Chapter I. Mishnā 5; Babylonian Talmud, Tractate Kiddushin 68b.

(394) Shulhan Aruk. Yoreh Deah No. 258.

(395) "Palestine Law Reports" 1947. Page 2.

1928. In one respect the Government did weaken the case of the Chief Rabbinate somewhat; in the respect of according Agudat Israel spokes-~~man~~ recognition and permission to present their own memoranda before the Royal Commissions, when these made inquiries into the operation of the Mandate.

In clashes with the leftist elements of the Yishuv, there was no such question of the setting up of another rabbinic authority. There the problems were twofold in nature: Was the Rabbinate intervening in public life on behalf of the rightist parties, and was the Rabbinate interfering with the private life of the members of the Jewish Community?

In the 1930's tension mounted between the Histadrut, Palestine's labor organization, with its political parties and the Revisionist Party. It came to a climax with the Stavsky trial in 1934. Hayim Arlozorov, General Secretary of the Histadrut, had been assassinated. A leading member of the Revisionist party was accused. Evidence was purely of a circumstantial nature, but the passions on either side ran high. From the viewpoint of Jewish Law, Rabbi Kuk felt that it would be a grave wrong to condemn a man to death on the basis of such flimsy

) 4x only

evidence. It was his private conviction also that this assassination was but a manifestation of a periodic Arab outbreak. The Histadrut and its newspapers raised a whole hue and cry, with some journalists and writers seeing in the Rabbinate's stand but a typical solidarity of the clergy with the rightist parties everywhere. To this Rabbi Kuk retorted passionately: (396)

"From the bottom of my heart which bleeds for the distress of my people I wish to ... testify before heaven and earth that my whole heart and soul are dedicated to the totality of our nation and to every one of this nation and to every one of its sections and parties, because I believe in perfect faith that every part is a particular limb in the sacred and wonderful organism of the whole Congregation of Israel

"I believe and I know that the perfect salvation of Israel will be achieved in the Providence of G-d by the cooperation of all parties including that of the embattled groups".

It is instructive to note the attitude of Rabbi Sonnenfeld towards these leftist elements. When the martyred author, writer and mystic,

(396) "ha-Hed" July, 1934. See also "Banner of Jerusalem" Page 120.

Hillel Zeitlin visited him, Rabbi Sonnenfeld
(397)
expressed himself as follows: "WE have a
great war to wage against them. We cannot,
under any circumstances, compromise with them.
I cannot speak peace unto them (as does) the
(398)
Rabbi of Jaffa."

Rabbi Kuk proved his lack of partisanship
by supporting the Histadrut ~~totally~~ on the
question of the closed shop if the purpose was
to secure fair wages rather than to enforce
(399)
unilateral demands on the owner.

On the matter of curtailment of private
and individual rights, the question of obser-
vance of the Sabbaths and the holidays, came
to the forefront. In Kfar Saba a storm arose
(400)
over the closing of the local theatre house.
The representative bodies of the Yishuv generally
supported the Rabbinate in its request for
public observance. In 1932 the Asefat

(397) "ba-Derek" Warsaw 1936. See article
"Ben Sheney Harim Gedolim".

(398) The reference is to Rabbi Kuk who was
only recognized by Rabbi Sonnenfeld's
group as Rabbi from that city.

(399) "ha-Hed" June, 1933.

(400) "Irgun ha-Yishuv" Page 62.

Ha-Nivharim passed such a resolution.

"The Asefat Ha-Nivharim demands from the Local Councils ... to establish and realize in life the law of recognizing the Sabbath and the Holidays of Israel as public rest days in all branches of labor and commerce, and demands (401a) of the Government of Israel to substantiate this law." By June 1940 the "Council for the Sabbath of the Vaad Leumi" with representatives from the Chief Rabbinate, the Jewish Agency, the Jewish National Fund and the Jewish Foundation Fund (Keren Ha-Yesod) became an (402) established fact.

In all its clashes and difficulties, the Chief Rabbinate attempted to limit itself to its own domain of rabbinical problems. But as the religious representative institution of the Yishuv vis-a'-vis the Government, it could not and would not refrain from speaking out for the political national and international

(401) i.e. the Mandatory Power.

(401a) op. cit. Page 60.

(402) Ibid. Page 63.

rights of the Jewish people in the Holy Land.
Before the Peel Commission the Sephardic Chief
Rabbi, Rabbi Ya'akov Meir, in January 1937
declared in his own name and in the name of
(403)
his Ashkenazic colleague:

"The Hebrew nation is the natural carrier
of the Torah of Moses and of Jewish tradition.
Its national framework is embedded and is part
of its Torah and its religious framework, in
an inseparable fashion

"The Land of Israel is the soul of the
life of the Hebrew Nation. The Torah of
Israel and the hope to return to Zion gave
the Nation life during its whole existence
in the Diaspora. We look upon the Mandatory
Government as the messenger of Divine Providence
to return Israel to its land; its sovereignty."

(403) Ibid. Page 90.

IV

The ideas concerning associate institutions or organizations to aid the Rabbinate in its work, finally and officially were realized in 1937. On October 14th of that year an agreement between the Vaad Leumi and the Chief Rabbinate (404) was ratified. A Religious Council was to be set up in any "kehilah" or community of the Yishuv. This religious body was to have supervision over questions of "shehitah", synagogues, ritual baths and related questions. Its work was to be accomplished through two committees: a Religious Committee which would handle problems involving appointments, abuses, supervision and the like; and an Administrative Committee which would be in charge of all finances. Neither these committees nor the Council as a whole were to assume rabbinical prerogatives on matters of Jewish law.

Nominations for the Religious Council were to be submitted by the Rabbi or Rabbinical Office of the community. The number of nominees would be double the number to be elected. The latter figure was to correspond with the number

(404) "Irgun ha-Yishuv" Page 22.

of the members on the community's council. (404a)

A Cemetery Council was to be constituted as a separate entity and was to supervise the religious work of the "Hevrah Kadisha" or Burial Society of the particular community. This Council was to establish taxes or fees, with the approval of the District Commissioner, and was to be in charge of purchasing new plots as well as supervising old ones.

This systematic organization was necessitated by various and experiences in the larger towns and cities. For a time in 1936, Jerusalem had two ritual slaughtering organizations. One was organized by the Community Council and as such bore the name and prestige of Knesset Yisrael and the other by Rabbi Zevi Pesah Frank. (405) After protracted deliberations and meetings, a united "shehitah" was brought about. Meanwhile the Vaad Leumi as well as the Chief Rabbinate saw that the haphazard growth of religious organizations enhanced the prestige of neither.

Then too there was the question of democratic fairness. Many a time the income, brought in to

(404a) MEANING THE COMMUNITY'S CITY OR VILLAGE EXECUTIVE COUNCIL
(405) op. cit. Page 30.

a town's council through "shehitah" taxes and Rabbinical Court fines, amounted to a larger sum than the expenses of the religious functionaries and institutions. The religious elements felt therefore that these institutions should be enlarged. Without set rules for guidance, wrangling was the rule, shaking the entire structure of Knesset Yisrael. The result was the agreement of October 14, 1937 which set up for each locality the institution "Mo'atzat ⁽⁴⁰⁶⁾ ~~ha~~-shehitah" (or Ritual Council); its "Va'adah Datit" (or Religious Commission), headed by the local Rabbi and Rabbinical Office and its "Va'adah Administrativit", or Administrative Commission, to supervise financial matters.

The following localities adopted this ⁽⁴⁰⁷⁾ ruling: Jerusalem, Tel-Aviv and Jaffa, Herzliyah, Kfar Saba, Kfar Attah, Netanyah, Afulah, Rehovot, Ramat-Gan and Ra'anana. Other places following slowly.

(406) Actually this was the full religious type of council, but since "shehitah" was the main source of income and the most pressing of the religious problems, it was called by this name.

(407) "Irgun ha-Yishuv" Page 59.

In all cases the religious budget and the salaries for the Rabbis were left to be decided by mutual agreement between the Rabbi involved and the Town Council or "Va'ad Ha-Kehillah". The income from "shehitah", the Rabbinical Courts, and the Burial Societies, would be set aside in a special fund and be used for the purpose of this budget and these salaries, with the Vaad Leumi having supervisory power over such funds.

V

With the increase of the Yishuv's population, following the Jewish emigration from Germany (after 1933) ideological problems began to plague the Rabbinate. There was a goodly number of religious Jews among these central European immigrants. But a good many others were used to a different type of a rabbi. Then also the question of transferring European rabbinical seminaries, of a non-Yeshivah nature, came up. Finally, the crisis which ensued in 1935 with the passing

(408) "Legislation of Palestine" Vol. II.
Sec. 13 Page 2134-2135.

(409) "Ha-Hed" Feb. 1934.

away of Rabbi Kuk, added to the difficulties. The differences of opinion between the various factions revolved around the type of Chief Rabbi to be chosen. Should he be an Eastern European whose Talmudic erudition and religious piety, would outweigh lack of secular training; or should he be a modern Western European who would have some of both qualities. Furthermore, each faction was maneuvering for a more advantageous position as the time of election approached. The rivalry of equally endowed and capable candidates added to the confusion. But after a series of conferences, the Vaad Leumi and the Office of the Chief Rabbinate adopted certain of the standing rules, amending others and proclaimed them (410) officially on April 9, 1936.

The whole arrangement for the forthcoming election was to be in the hands of a committee of eight, half representing the Vaad Leumi and half the Chief Rabbinate. The Electoral Assembly was to consist of seventy members, half Sephardim and half Ashkenazim. Of these, forty two will be

(410) Palestine Gazette. No. 582.

rabbis and twenty-eight will be representatives of the communities. Only men shall be eligible to the Electoral Assembly.

A candidate for the Chief Rabbinate must have had ten years of experience. The period of tenure of office shall be five years with the candidate eligible for re-election.

On December 1st, 1937, Menahem Ussishkin opened the Electoral Assembly in the auditorium of the Sephardic Orphan's home in Jerusalem. Ussishkin made a strong plea for unity. "Concerning one matter I wish to warn all of you, the electors and the community as a whole as to how to behave after the elections. Everyone who will rise to cast his vote should do it in accordance with the dictates of his conscience and in accordance with what the Almighty puts in his heart. And let him vote freely for that person whom he has chosen. But we, all of us, seventy men who were granted the privilege to be among the electors must undertake to bear the moral responsibility towards the Jewish nation that after the work of these elections, the chosen Rabbi should not be the Rabbi of one sect or another, but of all of Jerusalem,

(410a)
and of all the land of Israel".

(411)

Rabbi Ya'akov Meir and Rabbi Issac

(411a)

Halevi Herzog were chosen as Chief Rabbis of the Sephardic and Ashkenazic communities respectively. No new election was held during the war years, and no new developments took place, for the Chief Rabbinate and the Vaad Leumi became occupied with the vast and heart-breaking problems of the War, the Nazi holocaust and rescue work. By the war's end friction between the Yishuv and the Mandatory power rose steadily. The Rabbinate, as well as the representative organizations of the Yishuv, hoped for cooperation. But the words expressed by Rabbi Herzog at a protest meeting in Jerusalem were not fulfilled:

"The great nation which rose at Dunkirk
(412)
to save humanity will not forsake Israel".

The Yishuv and the Mandatory power separated, and the State of Israel arose.

(410a) "Ha-Hed" Kislev 5697. Dec. 1937. Page 2.

(411) Succeeded by Rabbi Ben-Zion Uziel upon the former's demise in 1939.

(411a) Rabbi Yosef Rosen, known as the "Rogotshover Ilui" said as follows about Rabbi Herzog: "At a time when the sunlight of Torah seems to be setting, a brilliant star shines forth from England." See "Ha-Hed" . Dec. 1937.

(412) "Chayenu" Vol. 8. No. 10-11 Oct-Nov. issue 1945.

CONCLUSION

From the historical facts out of which the tapestry of the Israeli Rabbinate seems to be woven, the following points emerge:

The work prerogatives, privileges and duties of the Rabbinate in Israel today rest on a solid basis of legislations, ordinances and communal traditions current in Palestine over a period of centuries.

These privileges and duties continue to have the same pattern in the State of Israel. "The legal powers formerly held by the High Commissioner which were transferred to the Minister of Religious Affairs are mainly connected with the religious sects, jurisdiction of religious courts and registration of marriage and divorce"⁽⁴¹³⁾. Thus was the situation by mid-century.

The Rabbinate and the Rabbinical Courts have expanded in numbers to care for the needs of the new immigrants, whose vast influx into the country created many problems. By and large the immigrants are religious and seek the services of the Rabbis and the Rabbinical Courts.

(413) "Government Year Book" (of Israel) 5711-1950. Government Printer. Jerusalem. Dec. 1950. Page 188.

By 1950, twenty seven new rabbis were appointed by the Chief Rabbinate and approved by the Department for the Rabbinate and Rabbinical Courts of the Ministry for Religions. (414) Seventy rabbis, all in all, throughout the Land, were authorized to grant marriages and divorces with remuneration for services being a fixed one, as worked out by the Department (415) and the Chief Rabbinate.

Under the Mandate there were officially thirteen Religious Councils. By March, 1950, (416) ninety five such councils were in existence. With the aid of the Rabbinical Department of the Ministry for Religions they built synagogues, ritual baths, and supplied religious articles to both old and new inhabitants.

While all this institutional expansion was and is going on, the basic characteristics of the Rabbinate have not changed. "Knesset Israel, the Jewish Community of Palestine,

(414) Ibid. Page 190.

This takes place after such rabbis have local approval by their Communities, as noted in the Introduction. However, if a rabbi serves on a rabbinical court exclusively, in a large city, local approval is not needed.

(415) Ibid.

(416) Ibid. Page 190-191.

(was) recognized by public law (under Ottoman and British rule) as a religious community." (417)

Under Israeli law, the community as a whole is national in character, but the type of religious services afforded to its inhabitants is the same.

And the same are some of the inner problems of the Rabbinate. There are religious dissidents, such as the notorious "Neturei Karta", who (418) do not accept the authority of the Chief Rabbinate; or Agudat Israel which has its own "Moatzat Gedolei ha-Torah" the "Council of Great Torah Scholars". However, there is a feeling of mutual respect between the latter and the (419) Chief Rabbinate to an extent that might strengthen the Rabbinate.

But even if full cooperation would come about, the over-whelming majority of the Rabbis

(417) "The Palestine Year Book" Vol. II. 5707 (1945-46), Pub. by Zionist Organization of America, New York, N.Y. Page 351.

(418) ^{Their} Its leader, Rabbi Amram Blau showed his opposition yet in 1933. See note (389)

(419) Based on the words of one of its members, Rabbi Aaron Cutler, as heard at the Rabbinical Council of America Mid-Winter Conference, 1953.

in Israel, would be for the use of moral persuasion alone in trying to achieve their goal of a Torah life for the Land. (420) The Rabbis today or of the bygone era, whether they were Sephardim or Ashkenazim, never hoped to set up a theocracy or superimpose religion on the private life of individuals against their own will. In this respect the Sephardic Rabbinate was more liberal-minded and was ready to cooperate with all individuals in the Yishuv, in spite of its lack of contact with the West. However, the thinking of Rabbi Kuk was along the same lines.

Another important element which comes to the fore in appraising the status and contributions of the Rabbinate, is the example it has set in modern times, for the full cooperation of diverse Jewish communities and members thereof. Under the difficult circumstances of the "Gathering of the Exiles", the

(420) See Appendix I, the letter from the head of the Department of the Rabbinate in the Ministry for Religions. The phrase "the Rabbis wish," meaning it is only their hope, the emphasis on the use of the pulpit rather than the ballot box, and the limitation of legislation desired to the Sabbath, Kashrut, religious services and marriages and divorces are significant.

cooperation of the Sephardic and Ashkenazic rabbis from the 1890's on, bodes well for Israel today. Certainly a standard was set for the secular bodies and institutions to follow.

Finally, the Rabbinate deserves a larger share of credit than is generally conceded to it, in the upbuilding of the Holy Land. Long before the rise of modern Zionism, rabbis led their pupils and followers to settle in the Land. Rabbi Yehudah ha-Hasid, Rabbi Hayim Eter, the disciples of the Baal Shem-Tov and of the Gaon of Vilna are but some examples.

The Hebrew poet Shlonsky wrote once: "We deserve to sit at the head of the table for thy Sabbath feast." The Rabbis can say the same.

THE STATE OF ISRAEL
THE MINISTRY OF RELIGIONS

DEPT. FOR THE RABBINATE
AND RABBINICAL COURTS.

Blessed is G-d.
Jerusalem, 25th day of Menahem-Ab, 5711.
To Rabbi Israel D. Lerner
Rabbi of the Orthodox Congregation, Chester, Pa.

Honorable Rabbi:

His honor, the Minister for Religions
Rabbi Y. L. ha-Kohen Maimon, authorized me to
answer your questions which were detailed in
the letter dated the 14th of Sivan, 5711, and
to make available to you the desired material
as far as possible.

QUESTION: How and by what means does the
Rabbinate influence the Jewish
Community at large?

ANSWER: The Rabbinate is the highest
religious authority for the State. It does not
interfere in State and Public questions which
border not on religious and "halakic" matters.

The Rabbis wish (and this is not their
wish but the command of the Torah) that the
life of the nation and State should be directed
in accordance with the Torah and that its laws
should be the laws of the State.

They (the Rabbis) believe that it is
possible to arrange the communal, economic and

and national life without veerring or going into opposition to the commandments and laws of the Torah. It is the wish of the Rabbis that the Government should legislate laws for the observance of the Sabbath, "kashrut" religious services marriages and divorces.

QUESTION: Have any changes taken place, since the rise of the State in the curriculum of the "yeshivot" and the order of studies for those preparing to enter the Rabbinate?

ANSWER: No changes whatsoever have taken place.

QUESTION: What is the influence of the Rabbinate in the field of education?

ANSWER: Relatively speaking, it is limited and of moral persuasion only. The Rabbis attempt to influence parents to send their children to religious schools by sermonizing from their pulpits and by using other opportunities to speak to those who have yet a positive spark of religion.

QUESTION: Would any rabbi from the Diaspora be acceptable in Israel?

ANSWER: Any rabbi, whether he be an inhabitant of the Land or an immigrant can be

received as a rabbi in any place in the State. Acceptance as such depends first of all upon the inhabitants of the place; and then upon the approval of the Chief Rabbinate and the Ministry for Religions.

QUESTION: Is there any outlook for the renewal of the Sanhedrin and ancient rabbinic institutions?

ANSWER: These days there appeared the book of the Minister for Religions, Rabbi Y.L. ha-Kohen Maimon: "Hidush ha-Sanhedrin bi-Medinateynu ha-Mehudeshet". I am sending this book on to you as an answer to your question.

I trust that you will derive some satisfaction from these answers and I sign with best wishes.

Rabbi Dov Katz
Director of the Department

Table of Transliteration

Kindly note, as stated in the preface, that deviations from this table were made for the purposes of clarification of pronunciation, or for conformity with wide-spread usage of the term or name.

The Sephardic pronunciation is favored throughout.

The definite article before titles of works is placed in small letters so that the title or name itself may stand out. Thus it is written "ha" not "Ha-".

Hebrew words terms or phrases, especially those referring to institutions, are usually introduced by quotation marks, but thereafter are incorporated into the body of work with a capital letter, since we are speaking of a specific kind of institution. Thus "kolel" may be found written in such a manner at the beginning, but thereafter it will be found written as Kolel.

Great care was taken to have this system of transliteration be a uniform one throughout. The proofs were read again and again to delete all errors. Should any of the latter have come into the work inadvertently, I can only plead indulgence on the basis of the nature of this thesis which required so much Hebraic terminology.

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