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## THE ISRAELI CHIEF RABBINATE: A Current Halakhic Perspective

Whoever formulated the topic to which I have been asked to address myself—"The value and place of a central rabbinic authority in a modern Jewish state. Is there Halakhic significance to a central rabbinic authority in a democratic state?"—manifestly saw the issue of the status of the *rabbanut harashit*, Chief Rabbinate, as related to its existence within a sovereign modern and democratic context. I readily concede that this factor is, quite conceivably, of genuine importance. However, it can only be considered after one has dealt with the prior (both logically and historically) question of the role of a central rabbinic authority per se. What, we ask ourselves, is the Halakhic significance, if any, of a *rabbanut rashit* in any context?

That issue is itself to be analyzed with respect to two levels: the requisite and the optimal. We must first ask ourselves whether the establishment of a central rabbinic body and subsequent acknowledgment of its authority is normatively mandated. Even if we should determine, however, that it is not, it may still be contended that the existence of such an institution is desirable as an instrument towards the realization of clearly perceived Halakhic—and not merely social or even moral—desiderata.

As regards the first level, we must obviously differentiate between a possible obligation to found a *rabbanut rashit* in the first place and the duty to abide by its dicta once, by whatever means and for whatever reasons, it has been firmly established. The case for the former presumably rests upon the precedent of the Sanhedrin—whose institution the Rambam posited as the initial phase of the *mizvah* of setting up a judicial system rather than as its culmination: "How many regular tribunals are to be set up in Israel? How many members is each to comprise? First there is a Supreme Court holding sessions in the sanctuary."<sup>1</sup>

Not surprisingly, Rav Kook implicitly drew upon the comparison. In a brief essay written just prior to the founding convention of the *rabbanut harashit*, he expounds his conception of its prospective role and character; and, citing the verse which the Rambam<sup>2</sup> had adduced as proof that the classical *semikhah* could be reinstated, he issues a clarion call: "The revival of the Rabbinate means the return of the glory of the Rabbinate. Is this not an echo of the prophetic voice that assured us: 'And I will reinstate your judges as at first and your advisors as in the beginning.'?"<sup>3</sup>

From a rigorous Halakhic perspective, however, the analogy is just that: a suggestive model which may be regarded as embodying certain elements—and, hence, as positing certain values—but as having no direct normative relevance. The Sanhedrin<sup>4</sup> was a formally constituted body which, ideally, both provided general spiritual leadership and was invested with wide-ranging legislative and judicial authority—and this, with respect to the Diaspora as well as to Eretz Israel. In the Rambam's succinct formulation:

The Supreme Court in Jerusalem represents the essence of the Oral Torah. Its members are the pillars of direction; law and order emanate from them to all of Israel. Concerning them the Torah assures us, as it is written: 'You shall act in accordance with the directions they give you' (Deuteronomy 17:11). This is a positive command. Anyone who believes in Moses, our teacher, and in his Torah, must relate religious practices to them and lean upon them.<sup>5</sup>

Clearly, no modern counterpart exists—or, under present conditions, can exist. Membership in Sanhedrin was confined to those who had been ordained as a link in an unbroken chain of *semikhah* going back to Mosheh Rabbenu's investiture of Yehoshua. The Rambam<sup>6</sup> held that the institution could be restored, even in pre-Messianic times, but only under conditions, such as the overwhelming consensus of the foremost *talmidei hakhamim* of Eretz Israel—which neither currently obtain nor are anticipated on the horizon. Contemporary Halakhic sanction for a national rabbinic authority must be sought, then, without regard to the classical Sanhedrin.

That precedent aside, no solid base for the mandatory establishment of such a body exists. Not only does the Halakhah fail to prescribe such a course at the national level, but, to the best of my knowledge, it does not even require it at the local level. We are very much attuned to the concept of *mora d'athra*, a single rabbinic figure or group endowed by a specific community with spiritual hegemony; and indeed this model was prevalent in much of the Diaspora and, historically, served *knesset Israel* well. However, the Halakhic status of the *mora d'athra* related to his position in the wake of his selection. Nothing militated the creation of the post *ab initio*. It is true that the Ramban maintained, in light of the wording of the verse, "You shall appoint for yourselves judges and officers, tribe by tribe, in every settlement God has given you," that each tribe is to appoint its own central *bet din* (court). However, as he clearly indicates, this is, in effect, a miniature Sanhedrin—"Just as the Great Sanhedrin is appointed over all the courts of Israel so one court is appointed over each tribe,"<sup>7</sup>—and, hence, of no direct normative relevance to our discussion. The earlier part of the *pasuk* does, of course, mandate the appointment of a *bet din* in every locale, but it makes no reference to the need for a single overarching communal authority, either existing solely or as the pinnacle of a spiritual or even juridical hierarchy.

On the contrary, from the *gemara* it would clearly appear that several *batei din* can coexist in the same town. It speaks, for instance, of litigants' rights to choose between "the courthouses of Rav Huna and Rav Hisda," both of these being, as Rashi explains, "in one place."<sup>8</sup> Or again, in delineating the scope of the prohibition of "You shall not gash yourselves," which, *inter alia*, Hazal interpret to include an injunction against divisiveness, "You shall not make separate groups," Abbaye and Rava treat its parameters with respect to contradictory *pesakim* issued by different local *batei din*—taking it for granted that several may exist in the same community, with none designated supreme.<sup>9</sup> *A fortiori*, then, there need be no single supernal national rabbinic authority. Again, it is entirely conceivable that the decisions of such a body, once chosen, may be normatively binding; but its initial designation is, ordinarily, purely optional.

This by no means suggests, however, that the matter is religiously neutral. No spiritually sensitive person, much less a *ben Torah*, can countenance the proposition that, beyond the mandatory, nothing matters. Surely, a Halakhic chasm divides a *devar mizvah* from a *devar hareshut*; but the latter, too, can be of considerable spiritual moment. It may be judged more contextually than normatively—but judgment, in the light of Halakhic categories, is nonetheless significant. At this level, then, we may weigh the impact of a central rabbinic authority upon Halakhic interests—often related to the pragmatic but hardly identical with them—with respect to the various functions of the rabbinate; and this, with an eye to both the constant aspects of the problem and its manifestation within the contemporary Israeli context.

Rabbinic functions are many and can be variously classified. For our purposes, they can best be divided into two broad categories, as they relate to the communal and personal sectors, respectively. Maintenance and supervision of Halakhically-related services; development of religious institutions; public Torah instruction; representation of the religious sector in relation to others—or, of the general Jewish community vis-a-vis its gentile counterpart; concern for the Jewish character of the Jewish street—all form one cluster of roles. Others clearly address themselves to the individual: participation in rites central to the life-cycle; harnessing him or her to Halakhic observance; provision of pastoral guidance or support. Still others straddle both realms. *Pesak* may be either public or private, depending upon the substance of the question, the channel of query, and the mode of response. General spiritual influence and inspiration clearly has a dual impact, sensitizing *yahid* and *rabbim* alike. Finally, moral initiative clearly relates to both realms. At one level, the enactment of the prophetic mandate, "Execute the judgment of truth and peace in your gates"<sup>10</sup>—understood in both its broad general sense and, in Hazal's<sup>11</sup> vein, as a specific call for settling litigation via amicable compromise—provides a measure of

personal relief even as it, concurrently, promotes communal harmony. At another, commitment to *hesed*—regarded by Rav Haym of Brisk<sup>12</sup> as the cardinal rabbinic obligation—both sharpens social conscience and enhances the quality of individual lives.

Surveying this spectrum with reference to our problem, we instinctively sense a functional relation between the public component and the advisability of centralization. On the whole, the instinct is sound, although not uniformly so; it clearly applies to the supervision of *kashrut*, for example, more than to the instruction of Torah. While, to many, the issue is debatable even with regard to largely administrative sectors, (the equivalent of the familiar arguments for community control as opposed to distant and faceless big government can be readily harnessed), in this area, the case for a central authority, with the scope and weight attendant upon it, is palpably strong—all the more so, as, within a modern socioeconomic context, the problems transcend narrow geographic bounds and are not readily amenable to local jurisdiction. Admittedly, this does not necessarily militate for regarding centralization as the sole option. A measure of cooperation between various rabbis or rabbinic groups or some loose confederation might constitute viable alternatives. Nevertheless, with respect to the public sphere, the merits of centralized authority are manifest.

*Ishut* provides a clear example. *Hazal* demanded that, “whoever does not know the nature of divorce and marriage should not have any dealings with them,”<sup>13</sup> and they set a rather high standard for what constitutes sufficient knowledge. Although they addressed themselves to the individual, obviously there is a public need for safeguards to ensure that those who lack the expertise do not, out of irresponsible indifference or ignorance of their own limitations, involve themselves in this sensitive area. To this end, a central authority can be enormously helpful. Conceivably, the safeguards could be alternatively provided, as in the medical and legal fields, by voluntary professional organizations; and a community can admittedly sustain itself, as in most of the Diaspora today, in their absence. The potential contribution of a central authority is nonetheless self-evident—not to mention its invaluable assistance in coping with the sheer administrative difficulties, such as the maintenance of adequate and reliable records in an age of great mobility.

With respect to other sectors, however, the balance of pros and cons shifts perceptibly. It is not for naught that the Torah postulated that judges are to be posted *bi’shearekha*—in Eretz Israel, in virtually every hamlet.<sup>14</sup> Presumably, this insistence was not intended solely to afford easy access to judicial redress. It likewise ensures spiritual leadership which is organically related to its ambient society, aware of its problems, and sensitive to its needs; which can communicate effectively with its constituency in light of direct knowledge of its existential milieu; which can, intelligently, assign

priorities and impose demands while yet aware of limitations; which can serve as a transcending spiritual mentor even as, like the Shunamite Woman, “amongst my people I dwell.”

*Bi'shearekha* relates to both the appointment and the exercise of spiritual leadership. The benefits of rabbinic independence in attaining and maintaining a position are obvious. In many cases, however, whoever is not responsible to a community is also not responsive to it. At times, a stance of defiance (although not, of insouciance) is of course desirable. Over the long run, however, the patient wisdom needed by a spiritual leader to stimulate the spiritual growth of a community, his ability to speak and its readiness to listen, are enhanced by knowledge that he has been its choice—without external pressures, and *sans* remote-control politicization.

Yet, this is not to suggest, of course, that selection of a *mora d'athra* can be regarded as a purely sociopolitical matter, wholly independent of definitive standards. According to the prevalent view, the Halakhah has, classically, posited *semikhah*, defined by the Rambam as “the appointment of the elders to judgeship,”<sup>15</sup> as a prerequisite to serving on a *bet din*—to membership, that is, in a body which, in *Hazal's* time and beyond, constituted the primary seat of local rabbinic authority and the matrix of communal spiritual leadership. That has, however, only served to qualify a person to occupy such a post, enabling him to sit on an ad hoc constellation or to be a candidate for a more permanent position which the *semikhah* per se had not conferred upon him. Who then determines which *samukh* assumes a specific position is, to the best of my knowledge, nowhere spelled out in the *gemara*. But if intuitive judgment and prevalent historical practice are any guide, the community within which he is to serve seems the most likely choice.

Yet, appreciation of the significance of the communal factor in no way obviates the possible role of a central authority in rabbinic appointment. The process can be both general and local—licensing, in accordance with proper objective standards, being assigned to one level, and selection to another. Halakhically, to be sure, *semikhah* need not be central at all. Any group of three *semukhim*—on the Rambam's view, even a single *samukh* joined by two non-*semukhim*<sup>16</sup>—can confer the title. Moreover, according to the Rivash,<sup>17</sup> licensing was only necessary with respect to classical *semikhah*. That tradition having been terminated, every qualified and knowledgeable person can now serve as a *moreh hora'ah*. Nevertheless, a median course of essentially dual appointment can be adopted; and, under present circumstances, may be deemed as highly warranted. The need for maintaining standards and assuring reasonable qualification in all major respects is palpably greater today than in medieval Spain or in the sixteenth-century setting of the Rama who cited the Rivash with apparent approval. That function can perhaps best be consigned to a hopefully disinterested central authority. “Shall a priestess not be the equal of a

hostess?" The concern for standards so properly endemic to secular professions can hardly be ignored in the Torah world; and to this end, a central body can be most effective.

Given a measure of goodwill and readiness to prefer the general interest—admittedly rare qualities when both ideology and power are at stake—analogue cooperative accommodations should probably be attainable, *mutatis mutandis*, in other areas as well. However, one sector is presumably not so amenable and needs to be singled out for special discussion. At a primary level, Halakhah is avowedly pluralistic. Within certain limits, it not only entertains but encourages diverse views, and the world of Halakhic discourse is animated by the sense that "these and these are the words of the Living God." At a secondary level, however, discourse is to issue in decision, presumably authoritative and definitive; and the diversity which, in the *bet hamidrash* is regarded with admiration, becomes, in *bet din*, the object of aversion. *Mahloket*, the very stuff of which so much Torah study is made, translates, in the context of *pesak*, into divisive dissent. In its stead, univocal summary decision, optimally typified by the Sanhedrin, is posited as ideal.

The implications for centralization are clear. Technically, this discussion may be deemed as irrelevant to our present situation inasmuch as the formal Sanhedrin is long defunct. Nevertheless, the axiological aversion to divisiveness may very well be in order. At one level, we might take note of the status of the *zaken mamre*, of whom the *gemara* says that even if the Sanhedrin whose decision he had countermanded wishes to remit him, it is unauthorized to do so, "that contention might not increase in Israel."<sup>18</sup> Admittedly, one might contend that, given the existence of a central authority, its defiance is indeed punishable as subversion, but that the existence of competing decisions or even contradictory codices is not deplorable *per se*. However, this contention, probably questionable in any event, is clearly undercut by the *gemara's* lament over the fact that "When the students of Shammai and Hillel whose studies were not complete became many, dissension multiplied in Israel, causing the Torah to become like two Torahs."<sup>19</sup> Clearly, the concern here is not with '*lese majeste*' but with fissure in the Halakhic universe.

Pushed to its logical conclusion, this position militates for a single universal rabbinic authority—for the establishment, that is, of a Sanhedrin or its equivalent. Some have indeed regarded this vision, animating the essay previously cited, as Rav Kook's ultimate semi-mystical aspiration upon the founding of the Chief Rabbinate in Jerusalem.<sup>20</sup> Failing that, however, one could still yearn for maximal uniformity within a broad geographic area—at least, for adherents of the same ethnic tradition.

Individualists of course bridle at this prospect. Bristling over both possible personal constraint and public atrophy, they regard the concentration of authority as a potential threat—all the more so, if they have cause

to be circumspect or even suspect with regard to those in whose hands it might be concentrated. Sanhedrin they often regard as a unique institution, effectively relegated to a remote ideal past or envisioned as part of a Utopian future but of little relevance, even as a model, to the present. Rav Haym's refusal, early in this century, to join—and implicitly be subordinated to—a nascent *Mo'ezet Gedolei Hatorah* is typical. Electricity having then been recently introduced to Brisk, he observed that it presumably represented real progress. Yet, he noted, one could not ignore a disturbing factor. Previously, if a kerosene lamp was extinguished in one location, no other was adversely affected. Henceforth, however, if a failure were to occur at the power station, the whole of Brisk would be plunged into darkness.

Nevertheless, the merits of uniform *pesak* are varied and weighty; and recurrent historical attempts to attain it, whether through discourse and decision, or, as in the case of the *Shulhan Arukh*, by dint of personally molded consensus, illustrate this amply. Moreover, one might particularly press this cause with respect to Eretz Israel—and this, not in the light of Zionist ideology, but for sound Halakhic reasons. With reference to *pesak*, the concept of place is assigned considerable weight. Thus, with reference to the *issur* of “Do not cause factionalism,” Abbaye holds that it only applies to factionalism in a single town but not to conflicting norms propounded or practiced in different towns.<sup>21</sup> Or again, the *gemara* states that if a *posek* adheres to a minority view, even if he permits what, according to the prevalent position, is prohibited *mi'd'oraitha*, his license may be relied upon by members of his community.<sup>22</sup> By extension, the use of the phrase “in his place” notwithstanding, it is entirely conceivable that the relevant concept is as much sociological as geographic. Could not a lone Habad hasid in Melbourne rely upon a lenient decision of the Lubavitcher Rebbe even though he is poles removed from Eastern Parkway?

If this be the case, one may contend that, for our purposes, the whole of Eretz Israel constitutes a single locale. And this, on the basis of the famous *gemara* in *Horayot* which postulates—with reference to defining the community whose collective transgression by a majority of its constituents will obligate offering “a bull sin-offering for an inadvertent communal sin”—that only residents of Eretz Israel are included in the category of *kahal* (congregation): “R. Assi said: In [the case of an erroneous] ruling [of a court] the majority of the inhabitants of the Land of Israel are to be taken into account . . . From this it may be inferred that only these are included in the ‘congregation’ but those are not.”<sup>23</sup> The formulation is primarily negative and is intended to exclude Diaspora Jewry. However, it also bears a positive aspect, and expresses the conviction, of both Halakhic and philosophic moment, that residents of Eretz Israel are uniquely bound by a dimension of community absent elsewhere. Hence, the admonition against *mahloket* and the quest for univocal central authority are doubly meaningful with respect to *eretz hakodesh*.<sup>24</sup>

In theory, quite possibly. In fact, however, as we turn to examine the current state of the Chief Rabbinate in Israel, one wonders how much of the foregoing is truly relevant. The contribution of the *rabbanut harashit* to the administration and supervision of areas crucial to Halakhic existence is obvious. Equally self-evident, however, is the fact that, as a quintessentially *rabbinic* authority—whether as spiritual leadership in the broader sense or with regard to the specific area of *pesak*—it now carries relatively limited weight. Secularists and *haredim* largely ignore it, while the non-Orthodox actively fight it. Its status in the *dati-leumi* community is more secure, but, even there, many offer it little more than honorific lip-service, having recourse to it only at their convenience. Moreover, as it has become increasingly regarded as the virtual patrimony of a dominant faction, its base of support has narrowed and the number of those who truly look to it for guidance has dwindled. Even within the world of *yeshivot hesder*, there are not many who, confronted with conflicting *pesakim* of the *rabbanut harashit* and, say, Rav Shlomo Zalman Auerbach, would routinely prefer the former.<sup>25</sup>

Nor, *halakhically*, is there any reason why they must. In an address delivered before the Mizrahi in the mid-fifties, the Rav vigorously upheld the authority of the Chief Rabbinate, as he cited several instances to prove that, historically, even when greater *talmidei hakhamim* resided in his community, a *mora d'athra* had been its final Halakhic arbiter. Whatever may have been the case then, it is surely difficult to apply this principle today, for the status of a *rav rashi* as *mora d'ar'a d'Israel* is precisely what is in question. Champions of a central rabbinic authority must still wrestle with the crucial question of *mi berosh*—who is defined as such, by whom, and how. When there is reasonable consensus about the appointive procedure, the status can be readily conferred and assume Halakhic force. In its absence, however, the title rings hollow.

As previously noted, it is entirely possible that even if the choice of a central authority be optional, if a community has decided to create the post, decisions of its occupant may become binding. That only obtains, however, so long as the institution, and whoever is invested with its power, is truly recognized. Royal authority, *de jure*, rests on a social base, *de facto*, so that the *Yerushalmi*<sup>26</sup> states that during the six months that David spent in flight in Hebron, he did not enjoy full regal status. One may question the extent, if any, to which the principle would apply to the spiritual hegemony of a properly constituted Sanhedrin. It is reasonable to assume, however, that it does apply to a spiritual mentor lacking this formal designation—certainly so, if the loss of effective control had preceded his investiture.

There is little doubt that the Chief Rabbinate is not presently master of what it regards as its own domain. To its proponents, it is a proto-Messianic precursor. To many, however, it is either anachronistic or premature. One



may celebrate this fact or lament it; but I don't see how it can be questioned.

Ought we, then, conclude that a moribund *rabbanut rashit* should be dismembered with dispatch? Categorically not. Quite the contrary; if the institution didn't exist, it—albeit in possibly different form—would have to be invented. Within a complex modern Jewish society and state, apparatus to administer and supervise the Halakhic aspects of the public sector and to license those who operate within it is clearly invaluable; and it must be staffed and headed by competent and committed persons whose authority transcends narrow bounds. Moreover, on certain public issues, the state, *qua* collective agent, needs recourse to a definitive *posek*. And again, inasmuch as the problems transcend narrow jurisdictional bounds, so must the authority which seeks to cope with them. The princely—some might say, the quasi-papal—aspect is less crucial. It is even arguable that there can be a *rabbanut rashit* without Chief Rabbis. In this vein, some have suggested that the network of *batei din* as a rabbinical court system should be maintained but that the central rabbinate, as an overarching spiritual authority, should be dismantled. Nevertheless, this element, too, surely serves constructive purposes—either by positing a visible human symbol of the state's link to traditional Judaism or, beyond pomp and circumstance, by providing a ready spokesman and forum for it.

What certainly needs to be reduced, however, is politics, bureaucracy, and, above all, illusion. These are, of course, by no means peculiar to the Israeli rabbinic establishment, but they are particularly perturbing when encountered in the Torah world. The political connection is dual. There are internal—at times, internecine—struggles between various groups over power and influence, extending to involvement in appointive processes at the local level. These are generally deplorable, but understandable—partly inevitable, and, at times, genuinely *leshem shamayim*. In addition, however, there is excessive engagement in the broader political process. To be sure, the current official ban—often ignored in practice—against any *dayan's* speaking out on sociopolitical issues, even when these have clear moral import, on the grounds of judicial impartiality, is totally at variance with Jewish tradition and its conception of communal leadership. But when a Chief Rabbi becomes embroiled in negotiations over the composition of the Mafdal's electoral list, he tarnishes both the party and his post.<sup>27</sup> Can anyone imagine the Archbishop of Canterbury publicly determining who should be the Conservative candidate in Sheffield?

Moreover, even when matters of clear conscience are at stake, one often wishes for a greater measure of discrimination than, at times, currently obtains. Certainly no one would suggest that the *rabbanut harashit* should wholly avoid advocating controversial positions out of concern for cultivating its self-image as a truly national institution. Yet, in the choice of issues to be addressed and emphasized, a modicum of prudence and a sense of priority is surely in order. Whatever one's own views, one can understand

and respect the impetus to align the Chief Rabbinate with radical opposition to territorial compromise. To say the least, advocacy of *af sha'al* engenders a factional image—but all recognize that the issue is major, and its confrontation arguably well worth the damage. But the Nakash affair—in which the *rabbanut* served as a prime vehicle of opposition to the extradition of a convicted Jewish killer of a French Arab, on several highly dubious grounds—is quite another matter. I trust that even those who enlisted in the crusade at the time, recognize, in retrospect, that the passion for righteousness which impelled it should have been tempered by a greater degree of prudence and sensitivity. In their absence, the *rabbanut's* stature suffered significantly.

Of bureaucracy, presumably little needs to be said, as it is the Achilles' heel of centralization. It should be noted, however, that in our case two complicating factors exist. First, many who work within the *rabbanut's* system lack, by dint of their education, the training and the inclination to promote efficiency. Second, much of the population which perforce encounters the system does not acknowledge its basic tenets, so that the spiritual price collectively paid for its failings is magnified.

As to illusion, I have not the slightest intention of impugning the integrity of those associated with the current Chief Rabbinate. I do not believe they, or their predecessors, have, in any way, sought to mislead the public. There is, however, a measure of self-delusion—fed, in part, by quasi-Messianic fervor. The wish being grandfather to the thought, the *rabbanut harashit* revels in seeing itself as that which perhaps ideally it should be but, at present, palpably is not, and, in the foreseeable future, is unlikely to become—a central vehicle for the realization of the prophetic promise: “For Torah issues from Zion and out of Jerusalem comes the word of God.” Of this, the *rabbanut harashit* is, at most, an earnest; and it is best that this fact be acknowledged. A *rabbanut* with a leaner self-image and less grandiloquent tone would also be healthier.

As this article draws to its conclusion, the reader will have noted that relatively little has been said of “a democratic state” or even of “a modern Jewish state.” Not by accident. To my mind, the link between centralization and democracy, while real, is, within our context, limited. On the one hand, the basic issues related to the inherent conceptual tension between a focal center and *bishe' arekha* obtain even within a theocracy. How authority is divided, whether jurisdiction is hierarchical, who makes appointments, which *pesakim* are binding—these, and similar questions, exist independently of the overall governmental system. Having opted for a given political structure, a religious community may still choose between Presbyterian and Congregationalist models, or something intermediate.

On the other hand, abolition of the Chief Rabbinate would still leave us confronting problems arising out of the conjuncture of Halakhic tradition with a pluralistic society and state. In some way, *gittin* and *gerut* would

still have to be afforded or denied recognition, locally if not centrally, albeit perhaps less definitively; and the problem of the non-Orthodox would still be with us. Poor rapport between the rabbinic fraternity and much of the population would continue to bedevil us—at least, for some time. Tensions arising out of the meshing of religion and state would not disappear, nor would coercive legislation be more sympathetically received. If these problems are to be confronted, far more radical measures must be considered—with their concomitant, and possibly exorbitant, costs. The thesis that, in a pluralistic society, there is a trade-off between power and influence, at least at the spiritual plane, and the concurrent contention that, in contemporary Israel, too much of the latter is being sacrificed for the former, bears directly upon the established *rabbanut harashit*. But it is advanced by its advocates with regard to the religious community as a whole.

Of course, I readily acknowledge that relating the problem of centralization to its specific contemporary context does bear upon its analysis. And the impact cuts both ways. On the one hand, the friction attendant upon contact with what is perceived as the heavy and distant hand of central ecclesiastical authority is exacerbated by a liberal and largely secular context; and the exclusiveness more likely to be accorded a central rabbinate may seem less justifiable within an avowedly pluralistic order. Within such a context, the difficulty of building and sustaining a broad base of support for the *rabbanut harashit* is virtually intrinsic—particularly as Israeli society becomes increasingly polarized. Rav Kook's dream related to the specifically *national* aspect of the Chief Rabbinate—to the dimension of *mamlakhtiyut* so prized by religious Zionism. That dimension entails, however, a presumed relation to a broad social spectrum and the ability to speak for and to divergent cultural and ideological sectors. Within the highly charged atmosphere of Israeli religious life, that ability has proved very elusive,—and for obvious reasons. Sociopolitically, very few can presently remain firmly anchored within the Torah and yeshiva world—to whom, to some extent, the *rabbanut* looks for credentials and legitimization—on the one hand, while developing genuine rapport with the general secular community, on the other. The majestic stature of Rav Kook, combined with his very special background, enabled him to come close, but, of his successors, no one else has done so consistently.

The problem is, at the practical level, graphically illustrated by the elective process. The Chief Rabbis are, in effect, elected by (and must presumably appeal to) an assemblage which includes many anxious to see them steer a vigorous course and others—ranging from *dayanim* who barely recognize the existence of the state to thoroughgoing secularists—who would be happy to see them neutralized. Currently, moreover, the difficulty is further aggravated by both growing polarization and the alienation of many younger Israelis who find Torah Judaism simply irrelevant.

On the other hand, from a Halakhic perspective, it is arguable that a strong *rabbanut rashit* is needed all the more in a democratic state precisely because of its weight as a countervailing force to help sustain the state's Jewish character. Moreover, in at least one respect, the modern mindset is more attuned to a central Halakhic hierarchy than its predecessors. During the gestation of the Chief Rabbinate in Eretz Israel, it was the secularists who insisted upon the establishment of an appeals court—an institution some traditionalists regarded as Halakhically shaky but which was *de rigueur* to a Western sensibility.

The modern component is surely relevant, then, to a proper consideration of rabbinic centralization—as the ambience of contemporary Israeli society inhibits its development in one respect and yet stimulates it in another. All I am suggesting is that we refrain from exaggerating its significance. If I am thus also correspondingly constricting the significance of this paper, that is a small sacrifice to bring for truth.

## NOTES

1. *MT, Sanhedrin* 1:3.
2. *Perush Hamishnayot, Sanhedrin* 1:3.
3. "Hator," 14 Adar I, 5681; reprinted in *Harabbanut Harashit L'Israel Be'avar Ubahoveh* (Jerusalem, 1973), p. 7.
4. Generically, the term includes both the central body of seventy-one and smaller council/courts of twenty-three. Within this essay, it is ordinarily used only with reference to the former.
5. *Mamrim* 1:1.
6. *P.H., Sanhedrin* 1:3; *MT*, 4:11.
7. *Devarim* 16:18.
8. *Sanhedrin* 23a. I have here assumed the view of Rashi that both *batei din* were in the same town. Tosafot, s.v. "kegon", held that they were in the same general vicinity but at a distance of at least three *parsa'ot* (approximately seven miles)—but this not because Tosafot insisted upon unitary jurisdiction but due to consideration of *kevod harav*, as Rav Huna had been Rav Hisda's *rebbe*.
9. *Yebamot* 14a. See also *Siftey Kohen, Yoreh Deah*, 242, subs. 10 of the concluding summary. The *Arukh Hashulhan, Yoreh Deah*, 242:57, states that since it is now common universal practice to elect a local *rav*, others may not engage in *pesak* in his town. But he does not state that such an election is mandatory.
10. *Zekhariah* 8:9.
11. See *Sanhedrin* 6b.
12. When his eldest son, Rav Mosheh Soloveitchik, assumed his first post as a *rav*, Rav Haym told him that the primary rabbinic task was *zu tohn hesed*. For all the remark's interest and significance, I trust it is self-evident that it needs to be viewed in context and hardly to be confused with presumably identical positions expressed by contemporary liberal religious thinkers. While the emphasis upon social justice is common, the total perspective is not. Rav Haym of course took rigorous halakhic commitment, as well as its role as the basis of social ethics, for granted, and certainly had no doubts about the significance of a rabbi's duty to sustain it. His comment was unquestionably impelled by a sense that an increasingly defensive pre-World War I Lithuanian rabbinate had lost its balance in one direction. He would have been no less critical of reverse imbalance.
13. *Kiddushin* 6a, according to Rashi's interpretation.
14. The *mishnah, Sanhedrin* 1:6, states that a community must have a minimal population of 120

in order to qualify for a small *sanhedrin*, but does not state that the establishment of such a *sanhedrin* is mandatory. Moreover, the explanation cited in the *gemara*, *Sanhedrin* 17b, for the number seems to suggest that it must include almost one hundred who can serve as *dayanim*. However, the Rambam, *Sanhedrin* 1:2, states that the establishment is indeed obligatory and, moreover, omits the explanation (which, in light of the term, *keneged*, he evidently regarded as symbolic)—conveying the impression that any 120 would suffice. In any event, this requirement does not apply to a simple *bet din* of three, which, in Eretz Israel, must be set up even in smaller settlements. In the Diaspora, however, *batei din* need only be established in each province; see *Makkot* 7a.

15. *Sanhedrin* 4:3.
16. *Loc. cit.* Generally, the performance of functions requiring *semikhah* is limited to a *bet din* comprised wholly of *semukhim*. Evidently, in this case, the function per se does not require *semukhim* and the need for even a single *samukh* derives from the specific content of the act of investiture as the transmission of authority. See *Hiddushei Maran Riz Halevi, ad locum*.
17. See *She'elot Uteshuvot Harivash*, resp. 271; see also the Rama in *Yoreh Deah*, 242:14. The Rivash agrees that some authorization may be generally required but for incidental reasons—out of deference to a master or to confirm that one can express himself clearly.
18. *Sanhedrin* 88b.
19. *Loc. cit.*, quoted from the *Tosefta Hagigah* 2:4 and *Sanhedrin* 7:1. The whole question of fundamental attitudes toward diversity and controversy has, of course, deeper roots and broader implications than can here be treated adequately.
20. See Menahem Friedman, *Hevrah Vedat* (Jerusalem, 1978), pp. 110-111.
21. See *Yebamot* 14a.
22. See *loc. cit.* Of course, this option only exists so long as the point at issue has not been debated and definitively decided by a vote of the Sanhedrin.
23. *Horayot* 3a. While the *gemara's* statement relates to a single *halakhah*, it obviously has major hashkafic implications, and it has also been applied to other Halakhic areas as well. See, e.g. Rambam, *P.H.*, *Bekhorot* 4:3, and *Avnei Nezer, Orah Haym*, 314.
24. The emphasis upon the more thoroughly organic nature of Jewish existence in Eretz Israel as a factor to be reflected in the structuring of spiritual life runs as a prevalent strain through Rav Kook's address before the founding convention of the *rabbanut harashit*, a contemporary newspaper account of which (most of it, a literal rendering) is reprinted in Aryeh Morgenstern, *Harabbanut Harashit L'Eretz Israel: Yissudah V'Irgunah* (Jerusalem, 1973), pp. 179-180.
25. Within the religious (*dati*) or traditional (*mesorati*) Sephardic community, the standing of the Chief Rabbinate is relatively higher—but this is largely, I believe, because of a preceived link between the *rabbanut harashit* and the centuries-old office of *rishon lezion*. This is evidenced by the fact that the overall stature of Rav Ovadia Yosef, who continues to lay claim to the latter title long after leaving *Hechal Shlomo*, is manifestly higher than that of his successor.  
I trust I have not overstated the case. Within religious Zionist circles, the *rabbanut harashit* certainly does enjoy a significant measure of prestige and *rav rashi* carries a perceptible aura. His appearance at any *dati-leumi* Torah institution would be regarded as an event by its students and staff, myself included; and, at times—as in the case of a recent symbolic *hakhel* convocation—the Chief Rabbinate has demonstrated a capacity for mobilizing a large public. All this is a far cry, however, from genuine general authority or sustained acknowledged leadership. The point is readily exemplified by the failure to establish either *Yom Yerushalayim* as a truly national day of rejoicing or the Tenth of *Teveth* as a memorial day for the Holocaust.
26. *Horayot* 3:2.
27. Of course, in some parties such matters are routinely determined by *gedolim*. They act, however, as masters of an avowedly partisan bailiwick who have not been formally invested with a presumably national mantle.