**Chapter 8 –**

**The 'brother and sister' case and the rift between the rabbis**

During the 1960s, it seemed that Hever HaRabbanim was sufficiently well-established, despite the struggles and differences of opinion within it.  Gradually, Hever HaRabbanim became the dominant rabbinical body in the rabbinical world in Israel and influenced the National Religious movement. For example, at the end of 1964, Hever HaRabbanim demanded the dismissal from Bar-Ilan University University of Prof. Bezalel (Cecil) Roth (from Oxford) who taught Israeli history there while expressing opinions advocating biblical criticism. In doing so, Hever HaRabbanim indicated a firm position demanding that Bar Ilan University be maintained as a distinctly religious institution. In the end, Prof. Roth decided to resign, following public pressure.[[1]](#footnote-1)

 At the beginning of 1967, Rabbi Tchorsh celebrated his 70th birthday, and received a special blessing on the pages of the party's newspaper from Rabbi Yisraeli , his co-founder of the Rabbinical Association:

*He has a lot of respect for Rabbi Tchorsh. If you sum up - rabbi in Israel, if you sum up – a person engaged in the field of religious publicism.  And in every corner you see him, he does not rest on his laurels. About Rabbi Tchorsh, the verse should be said: "A good eye will be blessed". Because he was gifted with the wonderful virtue of a good eye.  Every positive phenomenon in public life cheers his heart. He rejoices in the good of mankind and is ready to reach out to help anyone, and if he encounters negative phenomena, it is painful and sorrowful for him, and he feels the need to respond. However, his criticism is not the criticism of someone who hates who is happy to discover defects, instead they are the rebukes of a loving friend who must protest from the grief of his heart. And so he is heard with esteem, and his acquaintances treat him with great respect, knowing that before them is a man who carries the yoke of the public and wants the best for them…[[2]](#footnote-2)*

The Six Day War that broke out that year, in June 1967, led to the liberation of the territories of Judea, Samaria and Gaza, and aroused religious and ideological feelings in the general public and in the religious-nationalist public in particular. For Hever HaRabbanim, this was another opportunity to establish its status as the strongest rabbinical organization in the country and an opportunity to shore up the status of religion in the state. The liberation of east Jerusalem and the Old City brought many travelers to the city, and many of them arrived on the Sabbath and caused Sabbath desecration in the capital. The religious representatives worked to prevent Sabbath desecration on several levels.  Minister of Religions Warhaftig was invited to the meeting of the National Council of Hever HaRabbanim and was informed about activities in the ​​enforcement of the municipal by-law in east Jerusalem, in addition to archaeological activity in the vicinity of the Western Wall. Hever HaRabbanim saw the Six Day War as an opportunity to bolster the religious awakening in Israeli society, and even examined possibilities to act towards this aim.[[3]](#footnote-3) Hever HaRabbanim even inaugurated a Shabbat when there would be an inspirational campaign on the subject of "Redemption and Salvation."[[4]](#footnote-4)

The Chief Rabbinate convened to determine the prayer service for the 28th of Iyar, the day when Jerusalem was liberated during the Six Day War. The main question was whether to establish a special order of prayer and whether to say the Hallel prayer with a blessing. Rabbi Tchorsh took a radical position and argued that the Chief Rabbinate should take a resolute stance. He testified that Rabbi Herzog had been in favor of saying Hallel with a blessing on Independence Day, but ultimately retreated from this position.  Now, Rabbi Tchorsh argued, Hallel with the blessing should be recited, as well as the blessing "*Al ha-nissim*" [on the miracles] in the Grace After Meals, and also that schools should be closed on this day.[[5]](#footnote-5)  Hever HaRabbanim published an uplifting public statement about the great significance of the day detailing the order of prayers that it established. In its opening statement, it explained the purpose of the manifesto: "For the sake of imparting a special, uniform character to the day in all the communities of Israel, we hereby present the program for this day which was determined after study and deliberation, according to the framework outlined by the Chief Rabbinate of Israel." In the evening prayer, Psalm 136, a talk by the rabbi, Psalm 122. At home – a festive 'Melave Malka' meal and candle lighting, reading from the tractate in Mishna Midot and readings in the Rambam's Laws on the Temple; in the morning prayer - a memorial to the war dead. [[6]](#footnote-6)

Eventually, a more moderate proposal by the Chief Rabbinate was accepted, which included minor additions to the festive prayer, headed by the Hallel prayer. There is an evident change here as compared to the process surrounding the Independence Day prayer, when Hever HaRabbanim led the formulation of the festive prayer and its proposal was accepted in full by the Chief Rabbinate.

As mentioned above, during this period Hever HaRabbanim was the strongest rabbinical body with the ability to influence the appointment of rabbis throughout the country. All the activity of the rabbinate passed through it and was influenced by its actions.  In *Hatzofe* the status of Hever HaRabbanim was described as follows:

Hever HaRabbanim has, in effect, become the main address for Torah personalities who are involved in the life of the Yishuv in Israel, and who seek its assistance in their spiritual activity and even in matters that often concern questions of the status, the role, and performance of their work. Hever HaRabbanim has come to direct and guide new and young rabbis in different settlements, from Metula in the north to Eilat in the south. As a result of its extensive organizational activities, Hever HaRabbanim has often come to handle the affairs of other religious functionaries, including *shohatim* and kashrut supervisors.... All these activities are carried out in close collaboration with the Chief Rabbinate Council, the Ministry of Religions, the local religious councils, and all those organizations working to establish a Torah way of life in the various locations in the Yishuv. The rabbis of Hever HaRabbanim even accompany various national public events, and frequently even comment (if a response is called for) upon various phenomena in our lives…[[7]](#footnote-7)

During the 1960s, the Chief Rabbinate had to deal with complicated problems that caused a public uproar, dealing with the question of its status and authority among the public in the State of Israel.  Among these topics was the "Marbek" affair (kashrut issues), the "Sugat" case (Sabbath issues), and the "Adat Bnei Yisrael" case. [[8]](#footnote-8) The Secretariat of Hever HaRabbanim followed the religious and halachic issues that preoccupied the Chief Rabbinate and published a notice calling on the Chief Rabbinate to establish a da'at Torah about them:

In light of the issues that are on the agenda at this time regarding questions of Judaism and halacha, Hever HaRabbanim appeals to the esteemed presidents and members of the Chief Rabbinate Council of Israel, to strengthen the activities of the Chief Rabbinate Council, and to establish a clear da'at Torah, to strengthen the spirit of religion and increase the influence of the Torah in the country. *.[[9]](#footnote-9)*

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 The main case that shook the rabbinical world and the entire State of Israel at that time was the "The Case of the *Mamzerim*" [children born of certain halachically forbidden relationships or incest] or by its other name: "The Brother and Sister Controversy".  This case affected the interrelations between Hever HaRabbanim and the Chief Rabbinate, and subsequently also the direction of Hever HaRabbanim.

Menachem Friedman described the situation of the Chief Rabbinate as "an insoluble dilemma." The main point of his argument revolves around the fact that the Chief Rabbinate is Orthodox, and consequently it is limited in its ability to permit things within the framework of halacha in its Orthodox sense, which is far from the expectations of the secular public in Israel.[[10]](#footnote-10) This problematic state of affairs is well reflected in the "The Brother and Sister Controversy". [[11]](#footnote-11)

A brother and sister, members of the Langer family, were born to a mother who did not receive a *get* from her first husband and she remarried.  The brother and sister were declared mamzerim, because they were born to a mother who had remarried without a divorce. The significance of being "mamzerim" is extremely serious, because they are forbidden marry Jews. Indeed, the problem arose when the brother and sister wanted to get married, and then it became clear to them that they were disqualified from marriage.

The solution that would have permitted them to marry was accepting the possibility that the mother's first husband was a non-Jew, and consequently, her marriage with him was not valid and thus she was never the wife of another man. The rabbinical court in Petah Tikva discussed this issue, ruling that the first husband had converted properly, and therefore the brother and sister are, in fact, mamzerim. And in an appeal submitted to the Great Rabbinical Court in Jerusalem, the verdict was reconfirmed. The Chief Rabbi of Israel, Rabbi Unterman, also held this opinion. Rabbi Shlomo Goren, who was at the time the chief rabbi of the IDF, examined the issue and claimed that in light of the evidence that the first husband had conducted himself as a gentile, the conversion was not valid. If so, then the mother had not married to him in a valid marriage and as a result, the brother and sister are not *mamzerim*. This reflected two opposing approaches – the approach of the Chief Rabbi of Israel at the time, Rabbi Unterman, and the approach of Rabbi Goren.

Rabbi Goren was perceived by the secular public and part of the religious public as someone who ruled leniently on halachic issues, and there was a demand to fire Rabbi Unterman, who was perceived as conservative. Rabbi Unterman's advanced age (over 80) compared to Rabbi Goren's comparatively young age (54) also contributed to the growing pressure in the political system, especially in the early 1970s. [[12]](#footnote-12) The elections for the Chief Rabbinate were scheduled for the beginning of 1977, and in order to ensure the victory of Rabbi Goren, there was an attempt to enact a law that would limit the age of the Chief Rabbi to 70, thereby blocking Rabbi Unterman, and at the same time changing the make-up of the electoral body. Hever HaRabbanim claimed that any change in the law that is not accepted by the members of the Chief Rabbinate Council would result in the rabbis of the country not participating in the elections.

Rabbi Yisraeli represented an extreme position which wanted to preserve the dignity of the rabbinate and avoid any change in the composition of the electoral body. According to him, changing the composition would deprive the rabbis of holding a majority. It was a threat to the independence of the Rabbinate: "If they present the Chief Rabbinate with a fait accompli, neither the Chief Rabbinate Council nor the rabbis will send representatives to the preparatory committee and the electoral body, and they will not regard the committee that that is elected as the supreme body of the Chief Rabbis." []](https://mail.google.com/mail/u/0/" \l "m_-8933632291237433715__ftn13" \o ")[[13]](#footnote-13)

The Mafdal – which tried with all its might to replace Rabbi Unterman with Rabbi Goren – realized that setting an age limit was impractical. However, Minister of Religious Affairs Warhaftig did all that he could to prevent the re-election of Rabbi Unterman; he even proposed changing the make-up of the electoral body The assumption was that the majority of the rabbis supported Rabbi Unterman, while most of the politicians supported Rabbi Goren. Since two-thirds of the electorate were rabbis, Warhaftig tried to change the composition, so that the rabbis would be 50% of the electoral body and public figures would constitute  50%. This is a striking example of how a religious politician tried to reduce the influence of the rabbis. Warhaftig apparently understood that without the approval of Hever HaRabbanim, the change would not be accepted, and therefore he came to the meeting of the Hever HaRabbanim secretariat and presented his proposal.

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Rabbi Ya'akov Ariel was one of the young rabbis of Hever HaRabbanim who participated in the meeting with Warhaftig. Rabbi Ariel was born in 1937 in Haifa to Moshe and Esther Stieglitz . At the age of 3 he moved with his family to Jerusalemwhere he attended the "Aluma" and "Dugma" schools, and then the Bnei Akiva Yeshiva at Kfar HaRoeh, the Noam Midrashiya and at the Mercaz HaRav Kook Yeshiva, where he was a student of Rabbi Zvi Yehuda HaCohen Kook, Rabbi David Cohen (Rabbi Hanazir), Rabbi Avraham Elkana Kahana Shapira, and Rabbi Shaul Yisraeli. From 1964 he served for about 25 years as the rabbi of the moshav Kfar Maimon, and participated in the establishment of the high school yeshiva there, which he headed for about 20 years. He then founded and headed the hesder yeshiva in Yamit. In 1990, Rabbi Ariel was elected as chief rabbi of the city of Ramat Gan, and served in this position until he reached the age of 80.

Rabbi Ya'akov Ariel testified that Rabbi Yisraeli strongly opposed the proposal to change the composition of the electoral body. [[14]](#footnote-14) He compared the proposal to the proposal of the British High Commissioner in 1922 to change the composition of the electoral body of the Chief Rabbinate. Rabbi Avraham Yitzhak HaCohen Kook, the chief rabbi at the time, opposed this and even threatened to disband the chief rabbinate. He did not agree that the rabbinate be appointed by secular people. Thus, Rabbi Yisraeli said this time too, this proposal must be strongly opposed and thus it was rejected.

Warhaftig did not admit defeat and instead offered another compromise proposal, whereby the composition of the electoral body would be composed of rabbis and public figures in equal parts but the Minister of Religions would be allowed to add ten rabbis. This was also opposed by Rabbi Yisraeli, who claimed that the whole purpose was to solve the problem of the *mamzerim.*  He claimed that "the left wants this entire rabbinate to be elected just to solve one problem, the *mamzerim*. This problem may be solved, but what will happen next–The rabbinate will be destroyed."

Something interesting happened here. Despite Rabbi Yisraeli's objection, Hever HaRabbanim agreed to a compromise and to Rabbi Yisraeli's dismay, the compromise was accepted. The compromise was supported by the majority of members of Hever HaRabbanim , including Rabbi Tchorsh, Rabbi Ushpizai, and Rabbi Avneri.

This can be related to the relations between Hever HaRabbanim and the Chief Rabbinate already in the sixties when dissatisfaction with the performance of the Chief Rabbinate was voiced in Hever HaRabbanim and openly expressed in *Shvilin*.[[15]](#footnote-15)  For this reason, it seems that against the background of the *mamzerim* and other cases, the Hever HaRabbanim supported the election of Rabbi Goren.

Rabbi Yisraeli disapproved of the functioning of Hever HaRabbanim. This disapproval was expressed regarding its function as a professional union, as well as in the issue of its partisan activity, and especially the attitude towards the Chief Rabbinate. This is where the rift within the rabbinical community came to a climax. Rabbi Yisraeli, who supported Rabbi Unterman, strongly opposed the obvious maneuver designed to remove the Chief Rabbi from his position. [[16]](#footnote-16) Rabbi Yisraeli objected to the impression created as if Hever HaRabbanim officially supported the removal of Rabbi Unterman, and even sent Rabbi Tchorsh a public letter demanding that he disavow the rumors:

Rumors are being circulated in the public, as if Hever HaRabbanim has decided to take a position regarding the election of the Israeli chief rabbis in the elections to be held next week. On the contrary - in all the preliminary discussions it was said that in due course, a decision would be made, in accordance with the established halacha, that Rabbi Unterman, who is now serving as Chief Rabbi of Israel, with loyalty and dedication, with discretion and judgment and a sense of responsibility, and with a firm stand in safeguarding the treasure entrusted to him, who is endowed with love of Israel, the Torah of Israel, the Land of Israel and the State of Israel, in accordance with the time-honored principles of HaMizrachi - he will continue to serve until the Messiah comes, with the support of all the rabbis of Hever HaRabbanim. [[17]](#footnote-17)

The relations between Rabbi Yisraeli and the leadership of Hever HaRabbanim reached an unprecedented low, and a dramatic move was made that reflected this: Rabbi Yisraeli was removed from the list of recommendations made by Hever HaRabbanim to the Chief Rabbinate Council, as described by Rabbi Ya'akov Ariel:

Suddenly I learned that the election process for the Chief Rabbinate has begun according to the new proposals…I told Rabbi Avneri (who was the director of Hever HaRabbanim –A.K.): "Today you sealed the fate of Hever HaRabbanim "…He stood at the entrance of Heichal Shlomo and gave us slips marked who to vote for. Rabbi Yisraeli was omitted from the list. Hever HaRabbanim did not nominate Rabbi Yisraeli…By removing Rabbi Yisraeli was removed from the list– The whole thing collapsed*. [[18]](#footnote-18)*

Rabbi Ariel testifies that Rabbi Moshe Zvi Neria also came out strongly against the position of Hever HaRabbanim which sought to remove Rabbi Unterman from the seat of the chief rabbi and Rabbi Yisraeli from the rabbinical council.  According to Rabbi Ariel, "The decline of Religious Zionism was caused by the short-sightedness of the politicians".[[19]](#footnote-19)

The elections for the Chief Rabbinate of Israel, which were held as mentioned, on 7 Heshvan 5733 (1972) were a watershed in the standing of the Chief Rabbinate and of Hever HaRabbanim. In fact, two major events took place in them:

1. For the first time, incumbent rabbis were removed from their positions. Rabbi Unterman and Rabbi Nissim lost the elections, when Rabbi Goren and Rabbi Ovadia Yosef, who were the chief rabbis of Tel Aviv, were elected as Israel's chief rabbis.  This was accomplished after the composition of the electoral body was changed, with the enthusiastic support of the Mafdal and the Labor Party. Hever HaRabbanim finally supported the change, while Rabbi Yisraeli continued to oppose it vigorously. The fact that Hever HaRabbanim gave its hand to the move caused a rift within it, which we will discuss in detail later.
2. As part of the rift within Hever HaRabbanim , Rabbi Yisraeli was removed from the list of candidates recommended to serve on the Chief Rabbinate Council. This maneuver against one of the leaders of Hever HaRabbanim caused a severe jolt to the system, and Rabbi Ariel claimed that this was indisputably the cause of the subsequent collapse of Hever HaRabbanim.

Rabbi Goren was, indeed, elected the Chief Rabbi of Israel, and resolved the case of the *mamzerim* by his halachic ruling, whereby the first husband was not Jewish and therefore the brother and sister were not mamzerim. The impact of these elections on Hever HaRabbanim was decisive; the organization reached a breaking point, from which it never recovered. About a year after the replacement of the Chief Rabbis and the removal of Rabbi Yisraeli from the Chief Rabbinate Council, Hever HaRabbanim convened in a special meeting, in which Rabbi Yisraeli announced his resignation from Hever HaRabbanim. The Mamzerim Affair, and the subsequent removal of Rabbis Unterman and Nissim from their positions with the assistance of the Hever HaRabbanim revealed for all to see the schism within Hever HaRabbanim whose seeds had already been sown in the sixties, when the differences of opinion regarding the direction of Hever HaRabbanim were clearly identifiable. Its decline during this period will be explained mainly as a result.of this.  Below we will expand on Rabbi Yisraeli's resignation from Hever HaRabbanim and the reactions it elicited.

The elections for the Chief Rabbinate in 1972, as mentioned, caused an open rift in Hever HaRabbanim. In fact, the elections for the Chief Rabbinate were only the culmination of an essential dispute about the direction of Hever HaRabbanim. Rabbi Yisraeli, who was one of the pillars of Hever HaRabbanim, did not agree with some of its activities of Hever HaRabbanim. We mentioned previously that Rabbi Yisraeli opposed the activities of Hever HaRabbanim as a professional union. Rabbi Yisraeli also led a line in Hever HaRabbanim supporting the Chief Rabbinate, such as in the mamzerim case that opposed the opinion of the party and some members of Hever HaRabbanim.

The activity of Hever HaRabbanim as a political body and not as a state body was also the focus of criticism by Rabbi Yisraeli, as will be seen below.

On May 28, 1973, Hever HaRabbanim gathered for its tenth meeting.[[20]](#footnote-20) It was celebrating the semi-jubilee of its establishment. [[21]](#footnote-21) This was some six months after the elections for the Chief Rabbinate, and the focus of the discussion was the involvement of Hever HaRabbanim in the removal of Chief Rabbis Unterman and Nissim. Below we will focus on two key speakers at the gathering: Rabbi Yisraeli, who sharply criticized the rabbinical group and then resigned from it, followed by Rabbi Ushpizai who defended Hever HaRabbanim.

It should be noted that because this gathering marked the twenty-fifth anniversary of the founding of Hever HaRabbanim, it was supposed to be a festive occasion. However, the turbulent events of 5733, when the chief rabbis were removed from their positions, overshadowed the festivities.

Rabbi Yisraeli opened his remarks by saying that he did not share in this "joyous occasion" marking 25 years since the founding of Hever HaRabbanim. He quoted the words of the Sages on the verse " I have broken the bars of your yoke, and made you go upright." The Sages commented that the word 'upright' is referring to two levels: one level is self-knowledge, recognition of one's own worth, while the second level means not to be caught up in pride and arrogance – every human being should know his place within the collective.

Rabbi Yisraeli applied these sages' words to Hever HaRabbanim. He reviewed in detail the achievements of Hever HaRabbanim, especially in the first years of its activity: the Torah UMedina publications, composing the prayer for Independence Day, preparing the Shmita year, etc. He notes that this was the "first level" of Hever HaRabbanim, that is, the rabbis who acted with modesty and perseverance. Rabbi Yisraeli leveled his criticism at the "second level", which he said was flawed in Hever HaRabbanim. He accused Hever HaRabbanim of arrogance, ignorance of the value of others, and a lack of respect towards Torah scholars. Rabbi Yisraeli aimed his barbs at the attitude of Hever HaRabbanim towards the ultra-Orthodox public in taking action to ensure that anyone who was not a member of Hever HaRabbanim would not be certified as a rabbi. Rabbi Yisrael severely castigated Hever HaRabbanim for acting out of political motives, as he explained:

The rabbinate is not acquired by membership in Hever HaRabbanim …Hever HaRabbanim cannot be, nor should it be, a professional union. Within a professional union is the Histadrut …Our friends shamed the rabbinical community by withholding certification from a person who, according to all the qualities, was worthy to receive this certification."

In these words Rabbi Yisraeli expressed his attitude toward the approach of Hever HaRabbanim;  according to Rabbi Yisraeli, it should not be a political body or a professional union. The problematic nature of this, as elaborated upon in the chapter on the events of the 1960s, is reflected clearly and disturbingly during this period.

This subject is not detached from the issue of the elections for the Chief Rabbinate that year. On that issue, Rabbi Yisraeli said "If we had stood tall, we would have been able to influence our party…And not be pulled along behind the party."

In fact, the removal of Rabbis Unterman and Nissim took place against the backdrop of the criticism of Hever HaRabbanim's approach, which was perceived as too conservative. The Mafdal, which wanted rabbis to act according to its agenda, supported the election of Rabbis Goren and Yosef. Their action here is similar to the action taken by the Mafdal and Hever HaRabbanim to appoint rabbis identified with Religious Zionism and to hold back the ultra-Orthodox rabbis.  Rabbi Yisraeli's criticism on this matter is clear and unequivocal. He believed that the criterion should be greatness in Torah only and not party affiliation.

Rabbi Yisraeli concluded his words with his clear opinion about Hever HaRabbanim:

Therefore, gentlemen, I am unfortunately not with you in this celebration of 25 years of Hever HaRabbanim. It's not what it should have been, and that's why my heart aches.  I do not think that the entire community of rabbis associated in Hever HaRabbanim truly has an opinion that is so contrary to my opinion. But their voice is not heard, and the group, which is headed by a member who voices his opinion in public, will give the impression that it is the opinion of Hever HaRabbanim.

Rabbi Yisraeli claimed, in effect, that his opinion was held by the majority of the members of Hever HaRabbanim whose voice was not heard.  He said that "it is not through terror that we will be able to acquire an honorable standing."

Rabbi Yisraeli's approach shows his clear affinity to the ultra-Orthodox camp, despite the ideological differences. Here, one can identify the ultra-Orthodox trend in Religious Zionism, which intensified years later, especially in the 1980s.[[22]](#footnote-22)  Thus, the differences of approach between Rabbi Yisraeli and most of the members of Hever HaRabbanim represented by Rabbi Menachem Yehuda Halevi Ushpizai, became clear.

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Rabbi Menahem Yehuda Halevi Ushpizai (1905-1999) was the chief rabbi of Ramat Gan. In 1925, he immigrated to Israel and studied at Yeshivat Mercaz HaRav Kook with Rabbi Avraham Yitzchak HaCohen Kook. In 1935, he founded the "Beit Ulpana for Young Men - Torat Yerushalayim" affiliated with Mercaz HaRav. He was sent by Rabbi Kook to serve as rabbi in Nahalat Ganim. He participated in the 24th and 25th Zionist Congresses, and was elected to be an acting member of the Zionist Executive Committee.

Rabbi Menahem Halevi Ushpizai

 Rabbi Menahem Ushpizai related to the serious claims made by Rabbi Yisraeli. Rabbi Ushpizai claimed that the whole intention of Hever HaRabbanim was to raise the prestige of the rabbinate in Israel and that its purpose was to protect the institution of the Chief Rabbinate from the attacks of the ultra-Orthodox. He described the ultra-Orthodox attacks on one of the rabbis (probably Rabbi Goren), which said that he is worse than Reform, and that "now they come to ask him to be convinced by them." [[23]](#footnote-23) Rabbi Ushpizai in effect justified the refusal to accept ultra-Orthodox rabbis, whose whole intention is to harm the Chief Rabbinate, and that Hever HaRabbanim should not be blamed for fulfilling its duty. Regarding the issue of ousting Rabbis Unterman and Nessim, Rabbi Ushpizai claimed that Rabbi Unterman was humiliated and demeaned following verbal attacks that he was too conservative, and that the whole purpose of Hever HaRabbanim was to rebuild the rabbinate:

What offense did we commit? Because we wanted to restore the Chief Rabbinate, because there were members of the Chief Rabbinate who made Chief Rabbi Unterman's life bitther, insulted him, slandered him and we wanted to restore the Rabbinate? [ibid]

Rabbi Ushpizai's argument is that the whole purpose of replacing the chief rabbis was to restore the honor of the rabbinate and the honor of Rabbi Unterman and not to humiliate him. Apparently, it was the case of the mamzerim that caused the harsh criticism of Rabbi Unterman, and Hever HaRabbanim wanted to resolve the whole case and thereby prevent the erosion of the status of Israel's Chief Rabbinate. Rabbi Ushpizai concluded his remarks with an unequivocal statement that justified Hever HaRabbanim's course of action:

To accuse us of being persecutors, of being terrorists, of being violent, that now for this purpose we have become rabbis appointed by the state? And isn't the Great Rabbinical Court appointed by the state? And our members in the Knesset, are they not in the service of the state? And what does it mean not to be?. Now is not the time to attack. We must speak peaceably and not slander Hever HaRabbanim. (ibid.)

By this it one may conclude that Hever HaRabbanim preferred partisan interests over state interests. Rabbi Yisraeli was in a minority position, and he argued that Hever HaRabbanim should be a national body and not a partisan body. Although Rabbi Yisraeli viewed his opponents's approach as partisan, one could explain Rabbi Ushpizai's approach as a more comprehensive approach, which claims that only Zionist rabbis can serve in a state-based rabbinate because of its very essence.

Minister of Religions Zerach Warhaftig tried to moderate the internal debates within Hever HaRabbanim. He called on the rabbis: "Leave the quarrels. Know that the rabbinate in Israel is an orderly and respectable body headed by the Chief Rabbinate. Whoever wants to find his place in it must do so under the auspices of the Rabbinate and its institutions." He also alluded to the offense given to Rabbi Goren by saying that "sometimes rabbis are so busy with internal debates, quarrels and disrespect - that they forget the main problems, such as the absorption of immigrants, bringing the masses closer to the Torah..." [[24]](#footnote-24)

As mentioned, Rabbi Yisraeli resigned from Hever HaRabbanim.  According to the account of Rabbi Ariel, (in the interview) Hever HaRabbanim fell apart after Rabbi Yisraeli was ousted from the Chief Rabbinate Council. An attempt was made in practice to rehabilitate Hever HaRabbanim; however, during the 1970s, it was no longer influential and declined significantly.

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With the election of Rabbi Shlomo Goren as the Ashkenazi Chief Rabbi in 1972 with the support of the Mafdal, came a turning point in the relationship between the party and the Rabbinate.  Rabbi Goren now became the unofficial rabbinical leader of the party, despite being a state rabbinical figure, and at the same time the Hever HaRabbanim, the party's official rabbinical organization, was weakened. Rabbi Goren's relationship with the Mafdal was put to the test in 1974, when the party faced a fundamental question about joining Golda Meir's government, even though it was not promised there would be an amendment to the Law of Return (from 1970), according to which conversions would be done only according to halacha. [[25]](#footnote-25)  The wording of the law states that a Jew is someone who was born to a Jewish mother or who converted, and is not a member of another religion. [[26]](#footnote-26) The law does not mention the word 'halacha' – and not without reason. The Reform and Conservative movements strongly opposed including the word 'halacha' so as not to give precedence to the Orthodox halacha. All attempts to anchor the status of the Rabbinate in this law then came to naught, and the Mafdal was debating whether to agree to the proposed compromise: accepting the Jewish principle of a Jewish mother and the act of conversion - without mentioning "according to halacha." [[27]](#footnote-27)

Before the establishment of the government in 1974, the opportunity arose again to demand the amendment of the Law of Return, and to state in the wording of the law that conversion can only be done according to the halacha. At this point, differences of opinion arose between the veterans of the party and the younger members. The "Young Guard" of the Mafdal argued that it was right to comply with the position of the Chief Rabbinate in this matter, namely, they should insist on amending the law. [[28]](#footnote-28) The veterans, on the other hand, argued that the Rabbinate, as a state body, cannot interfere in the internal decisions of a political party, and that this constituted "an exceeding of the powers granted" to them. [[29]](#footnote-29) The veterans of the party believed that there was indeed justification for amending the law but agreed to accept the compromise that stated :

Whereas there is a demand to amend the Law of Return regarding conversion, and whereas 'conversion' is a halachic concept, a ministerial committee will be established to examine the issue of conversion abroad regarding the Law of Return and the Population Registration Law, with the aim of reaching an agreed legal arrangement on this subject within a year. Accordingly, the Minister of the Interior announced, that to the best of his knowledge, in the current situation since the amendment to the Law of Return was accepted four years ago, no non-Jew has been registered as a Jew - and this is how they will act in the future as well. [[30]](#footnote-30)

Minister of Religions Yitzhak Raphael testified that even though the change in the law was not accepted in practice, the party leadership saw this as "progress" and "a reasonable basis for the continuation of the struggle to amend the definition." The question revolved around conversions abroad, since conversions in Israel are conducted by the Chief Rabbinate in any case. The ministerial committee that was charged with handling this matter satisfied the heads of the party.

However, the Mafdal's Young Guard thought otherwise; with the full backing of Israel's Chief Rabbi, Rabbi Shlomo Goren, they worked to thwart the agreement with the Labor coalition. Rabbi Goren, who had been elected to his position two years earlier with the massive support of the Mafdal leaders, summoned them to a meeting and vigorously demanded that they not enter the government without a commitment to amend the legislation on this subject. In a full-length interview with *Hatzofe*, he claimed that "since the Mafdal made a commitment to the public by its election convention decisions and in its platform to ensure that the Law of Return be amended – then if it did not insist on this during the formation of the government, it would be considered defrauding its voters." Rabbi Goren justified the Rabbinate's intervention in this issue on the grounds that the Chief Rabbinate sees the state not as a secular framework but as a body that was established to realize the vision of the Torah. [[31]](#footnote-31)

The leader of the party's Young Guard, Zevulun Hammer, demanded that Rabbi Goren's opinion be respected and he rejected any formula that would contravene the ruling of the Chief Rabbinate. Hammer also ruled out the compromise formulas proposed by Yitzhak Raphael and declared that it would be possible to agree only to a wording that explicitly stated that the Minister of the Interior would not register a Reform conversion as a Jew. In doing so, Hammer positioned himself as the radical Orthodox stance on the issue of who is a Jew. However, as stated, the leaders of the Mafdal, headed by Burg, were inclined – despite the Chief Rabbinate's demand – to accept the compromise proposals and agreed to the Mafdal's joining the coalition.[[32]](#footnote-32)

When Rabbi Goren saw that the Mafdal did not intend to comply with this ruling, the party leaders were invited to a special session of the Chief Rabbinate Council. During the meeting, Rabbi Goren spoke on the phone to Rabbi Yosef Dov Soloveitchik from Boston, one of the Mizrachi leaders, and said that he, too, opposed entering the government. [[33]](#footnote-33) After that, the Chief Rabbinical Council issued a dramatic resolution in which it stated: "Without amending the law through legislation or any appropriate regulation that states that 'any conversion not according to the halacha that has been sanctified from generation to generation has no validity' - the Council cannot rule to those who ask that it is permitted to join the government." [[34]](#footnote-34)

Prime Minister Golda Meir preferred a minority government of 58 MKs, and the Mafdal had to decide whether to enter the government and under what conditions.

The struggle therefore moved to the intra-party level. At this point, an opinion was added by the head of the Mercaz HaRav Yeshiva, Rabbi Zvi Yehuda HaCohen Kook, who supported the position of the Young Guard, and even stated that entering this government is a "serious crime."[[35]](#footnote-35)    In a poignant letter to the heads of the Mafdal, he wrote: "If you join this government, God forbid , I will immediately announce to the whole world, that I have no affiliation with Mizrachi and the Mafdal, and everything I wrote in connection with you for the election campaign is null and void, and henceforth we have no matters in common." [[36]](#footnote-36)

At the executive meeting of the Mafdal, the Young Guard remained in the minority, and the opinion of the rabbis was rejected. It was resolved by a majority of 30 against 17 to enter the government. This was after the Minister of the Interior informed the Mafdal faction that since the amendment to the Law of Return was accepted in 1970, no non-Jew had ever been registered as a Jew "and this is how the government will act in the future as well."[[37]](#footnote-37) Hever HaRabbanim of the Mafdal also condemned the decision to join the government, but its influence on the party was less than in the past. [[38]](#footnote-38)

However, Golda Meir's government did not last long;   On 11.4.1974, Meir resigned as the Prime Minister because of the pressures placed on her following the report of the Agranat Commission investigating the failures of the Yom Kippur War. The coalition chose Yitzhak Rabin to replace Golda Meir, and Rabin began the work of assembling his government. Apparently, it was supposed to be a natural continuation of the Golda Meir government, and its composition was similar to its predecessor. The Mafdal was a natural candidate to join the government. However, the political processes in the Mafdal again brought surprises. The Young Guard, who had agreed to the coalition agreement with Golda Meir for lack of choice, now opposed renewing the agreement with Yitzhak Rabin. The issue of who is a Jew also overshadowed the negotiations, and the argument was that without a commitment from the coalition to amend the law, there is no point in joining the government. Party veterans faced a dilemma. Although they wanted to continue the partnership with the coalition, they did not want to appear as if being in power was their foremost desire.  Unlike during the establishment of the previous government, the Young Guard had the upper hand this time; in cooperation with the newly established Gush Emunim movement, they put pressure on the party leaders and demanded that they not join the government.  Rabbi Zvi Yehuda HaCohen Kook led a strong line on the matter then, too, and was joined by Bnei Akiva Yeshivas and members of Bnei Akiva. Minister Yitzhak Raphael testified that threats and curses were even leveled against the leaders of the party. [[39]](#footnote-39)

As mentioned, the struggle was successful, and the Mafdal remained outside the government [[40]](#footnote-40); however, the Mafdal's stay in the opposition did not last long. Their shared interests led both parties, both the Labor coalition and the Mafdal, to a renewed rapprochement;. On October 30, 1974, the Mafdal rejoined the government. Knesset Members Zevulun Hammer and Yehuda Ben Meir believed that this was a mistake, even though the Chief Rabbinate Council explicitly stated that the Mafdal must join the coalition, "in order to properly protect the integrity of the Torah and the Land, and to take action to amend the Law of Return." [[41]](#footnote-41)

Rabbi Goren as the Chief Rabbi and Rabbi Zvi Yehuda HaCohen Kook as the head of Yeshivat Mercaz HaRav were therefore the dominant figures influencing the Mafdal on the issues of who is a Jew and joining the government, and Hever HaRabbanim had no influence in this matter. This is a striking example of the growing weakness of Hever HaRabbanim during this period. [[42]](#footnote-42)

1. “Derekh hayisurim shel prof. Rut” [The Painful Path of Professor Ruth], Ma'ariv, November 20, 1964, 19. “Saarat Bar Ilan” [The Bar Ilan Scandal], Haẓofeh, November 27, 1964, 9. [↑](#footnote-ref-1)
2. Shaul Yisraeli, “Berakha bli ayin” [Blessing without the letter ayin] *Haẓofeh*, January 13, 1967, 5. [↑](#footnote-ref-2)
3. “Ḥever harabanim dan bedarkhei hapeula lehaamakat hahitorerut hadatit baẓibur” [The Ḥever harabanim discusses actions to deepen the public’s religious awakening,” *Haẓofeh*, June 7, 1967, 1. [↑](#footnote-ref-3)
4. Announcement by the Ḥever harabanim , *Haẓofeh*, August 10, 1967, 4. [↑](#footnote-ref-4)
5. “Khaf-ḥet iyyar keyom hodaa al haniẓahon” [The 28th of Iyar as a Day of Thanksgiving for the Victory], *Haẓofeh*, March 8, 1968, 11. [↑](#footnote-ref-5)
6. Shmuel Katz, Harabbanut haroshit veyom yerushalayim: haḥlatot, tefila vemanhigim [The Chief Rabbinate and Jerusalem Day: Decisions, Prayers and Customs], Website of the Israel Ministry of Education. [↑](#footnote-ref-6)
7. Haim Pikarsh, “Demuta haruḥanit vehadatit shel hamedina bemerkaz diyunei kinus ḥever harabanim” [The spiritual and religious image of the state at the center of the discussions of the Ḥever harabanim conference], *Haẓofeh*, February 12, 1968, 2. [↑](#footnote-ref-7)
8. The issues are discussed by Rabbi Yaakov Ariel in an interview in the *Institute for Research on Religious Zionism* 21, as well as in the issues of *Shvilin* published in the 1960s. See also: “Maḥarifa parshat marbek” [The Marbek Incident Intensifies], *Haboker* May 6, 1964, 12. [↑](#footnote-ref-8)
9. Ḥever harabanim tove’a ḥizuk samkhuta shel harabbanut haroshit” [The Ḥever harabanim Demands Strengthening the Authority of the Chief Rabbinate], *Haẓofeh*, November 19, 1968, 6. [↑](#footnote-ref-9)
10. Friedman, “Harabbanut haroshit – dilema lelo pitaron.” [↑](#footnote-ref-10)
11. The case is presented in detail in a booklet published by Rabbi Shlomo Goren: “Psak hadin beinyan haaḥ vehaaḥot” [The ruling regarding the brother and sister], 1972. For more on the this case, see: Aviad Yechiel Hollander, “Neumanot kefula lahalakha velamdina vepitrona: pesikato shel harav Shlomo Goren kemikreh bohan” [Double Loyalty to Halacha and the State and its Solution: The Ruling of Rabbi Shlomo Goren as a Case Study], *Hakirah* 15, (2013), 5-34; Shifra Mishelov, “Manhigut datit noezet umḥira: hapegia bemaamado haẓibori shel harav Goren beikvot parshat haaḥ vehaaḥot,’” [Bold Religious Leadership and its Costs: The Damage to Rabbi Goren's Public Status Following the 'Brother and Sister' Case”, *Publication of the Amadot Conference*, 5, (Elkana 2013), 822-834. [↑](#footnote-ref-11)
12. Dan Petir, “Maavakim ḥiẓoniyim liẓrakhim pnimiyim bamafdal” [External Struggles for Internal Needs in the National Religious Party],” *Davar*, February 10, 1972, 7. [↑](#footnote-ref-12)
13. “Rabanei hamafdal neged shinui babeḥirot karabanut haroshit” [Rabbis of the National Religious Party Oppose Changes in the Election of the Chief Rabbi] *Davar*, December 12, 1972, 2. [↑](#footnote-ref-13)
14. Transcript of the interview in the Archive of Religious Zionism, file 21. [↑](#footnote-ref-14)
15. For an example of such criticism see “Harabanut haroshit-biẓurah ubisusah” [Strengthening and Establishing the Chief Rabbinate], *Shvilin* 21-22 (1969: 4). [↑](#footnote-ref-15)
16. “Mitnagdei harav Goren miargenim” [Opponents of Rabbi Goren Organize], *Al Hamishmar*, June 18, 1972, 2. [↑](#footnote-ref-16)
17. *Maariv*, October 13, 1972, 30. [↑](#footnote-ref-17)
18. Interview in *Institute for Research on Religious Zionism,* folder21. [↑](#footnote-ref-18)
19. Interview with Rabbi Ya'akov Ariel, in *Degel Yerushalayim: The Torah Journal of the Jerusalem Yeshiva for Youth* 7, (2010), 262 [Hebrew]. [↑](#footnote-ref-19)
20. Interview with Rabbi Ya'akov Ariel, in *The Flag of Jerusalem: The Torah Journal of the Jerusalem Yeshiva for Youth* 7, (2010), 262. [↑](#footnote-ref-20)
21. *“Maḥaẓit hayovel: 25 shnot liysodo 5708-5733: yamim rishonim kinusim veyeshivot peulout umaasim, sikum tekufah: do”kh maasi mugash lakinus haarẓi haasiri shel ḥever harabanim beyamim 25-26 beiyyar 5733 betel aviv”* [Halfway to the Jubilee: 25th Anniversary of its Founding 1948-1973: First Days, Conventions and Meetings, Activities and Deeds, Summary of the Period: Activity Report, Submitted to the 10th National Conference of the Hever Harabanim on 25-26 Iyyar 1973 in Tel Aviv]. [↑](#footnote-ref-21)
22. Yair Sheleg*, Hahardalim: Historiah, idiologiah, nokheḥut* [The Zionist Ultra-Ultraorthodox: History, Ideology, Presence] (Jerusalem: Israel Democracy Institute, 2020). [↑](#footnote-ref-22)
23. The vilification of Rabbi Goren is also cited in Yehuda Azrieli, *Dor hakipot haserugot: hamahapekha hapolitit shel haẓe’irim bamafdal* [The Knitted Kipa Generation: The Political Revolution of the young people in the Relgious Zionist Party], (Tel Aviv: Avivim, 1990), 183-184. [↑](#footnote-ref-23)
24. “Saarah bekenes rabanei mafdal” [A Storm in the Convention of the Rabbis of the National Religious Party], *Davar*, May 29, 1973, 3. [↑](#footnote-ref-24)
25. Danny Koren and Boaz Shapira, *Koalitziyot* [Coalitions] (Tel Aviv: Zmora-Bitan Dvir, 1997), 25; Aharon Kempinski, *Zevulun Hamer: biografiah politit* [Zevulun Hammer: A Political Biography], (Ramat Gan: Bar Ilan Publishing, 2021), 51-55 . [↑](#footnote-ref-25)
26. On the debate in the Knesset regarding this bill, see Yosef Fund, “Maavak hadeot bishelat mi hu yehudi 5730” [The Battle of Opinions on the Question of Who Is a Jew – 1970] (MA diss., Bar Ilan University, 1976); Eliezer Don-Yehiya, “Dat vezehut leumit baḥakikah, bamishpat uvapolitika: parashat Shalit vehapulmus bisheelat mihu yehudi, haasor hashelishi” [Religion and National Identity in Legislation, Law and Politics: The Shalit Case and the Polemic on the Question of 'Who is a Jew', the Third Deacade, (Jerusalem, Yad Yitzhak Ben Zvi, 2008), 379-400; Asher Cohen, *Yehudim lo-yehudim: zehut yehudit-yisraelit veetgar harḥavat haleom hayehudi beyisrael* [Non-Jewish Jews in Israel: the Challenge of Expanding the Jewish Nation in Israel] (Jerusalem: Shalom Hartman Institute, 2006), 76-78. [↑](#footnote-ref-26)
27. Aharon (Roni) Kempinski, “Minister Zevulun Hammer’s Stance on the ‘Who is a Jew?’ Issue, *Jewish Political Studies Review*, 31, no. 1-2, (2020)., 146-159. [↑](#footnote-ref-27)
28. Daniel Vermus, *Hamahapekhah haserugah: keiẓad kavshu ẓe’irei hamafdal et hanhagat hamiflagah* [The Knitted Kipa Revolution: How the Youth of the National Religious Party (Mafdal) Conquered the Party's Leadership] (2016), 87-91. [↑](#footnote-ref-28)
29. Yitzhak Rafael, *Lo zakhiti laor min hahefker* [I Did Not Win Light in a Windfall] (Jerusalem 1981), 378-379. [↑](#footnote-ref-29)
30. Quoted in Rafael, *Lo zakhiti laor min hahefker,* 375*.* [↑](#footnote-ref-30)
31. Yehoshua Shemesh, “Harav Goren: sugyat mihu yehudi nogaat lekiyumo shel am yisrael” [Rabbi Goren: The Issue of Who is a Jew is a Concern for the Existence of the Nation of Israel] *Haẓofeh*, March 1, 1974, 3 [↑](#footnote-ref-31)
32. Yehoshua Biẓur, “Hamaavak al hiẓtarfut mafdal lamemshalah mefaleg et ẓimrata” [The Struggle over whether Mafdal Should Join the Government. Is Dividing Its Leadership], *Maariv,* February 28, 1974, 3. [↑](#footnote-ref-32)
33. Rabbi Soloveitchik was cited in Haẓofeh: “Hagri”d Soloveitchik: ein levater beinyan hagiyur kahalakhah” [Rabbi Soloveitchik:One Should Not Give up on Conversion According to the Halacha] *Haẓofeh*, March 1, 1974, p. 3. [↑](#footnote-ref-33)
34. Rafael, *Lo zakhiti laor min hahefker,* 378. [↑](#footnote-ref-34)
35. Ibid., 377. [↑](#footnote-ref-35)
36. Daniel Vermus, *Hamahapekha haseruga,* 93. [↑](#footnote-ref-36)
37. Report of the faction meeting, March 10, 1974, *Institute for Research on Religious Zionism*, SMP, 36. [↑](#footnote-ref-37)
38. “M. Meisels: ‘ḥever harabanim shel hamafdal ginah hahaḥlatah lehiẓtaref lamemshalah’” [M. Meisels: “The Hever Harabanim of the Mafdal Condemned the Decision to Join the Government], *Ma'ariv,* March 18, 1974, 3. [↑](#footnote-ref-38)
39. Rafael, *Lo zakhiti laor min hahefker,* 386. [↑](#footnote-ref-39)
40. Asher Arian, *Politika vemishtar beyisrael* [Politics and Regime in Israel] (Tel Aviv: Zmora-Bitan Dvir, 1990), 262-263. [↑](#footnote-ref-40)
41. Warhaftig and Katz, *Harabanut haroshit*, 1616. [↑](#footnote-ref-41)
42. [↑](#footnote-ref-42)