

(No. 38)

## CHIEF RABBINATE OF ISRAEL LAW, 5740-1980\*

### 1. In this Law --

- Definitions.
- "the Council " means the Council of the Chief Rabbinate of Israel;
  - "town rabbi" means a person serving as a town rabbi after being elected under town rabbis' elections regulations made in pursuance of the Jewish Religious Services Law (Consolidated Version), 5731-1971<sup>(1)</sup>, and a person serving as a town rabbi whose name is included in a list of town rabbis to be published by the Minister of Religious Affairs within sixty days from the date of the coming into force of this Law.

### 2. The functions of the Council are -

- Functions of Council.
- (1) the giving of responsa and opinions on matters of *halacha* (religious law) to persons seeking its advice;
  - (2) activities aimed at bringing the public closer to the values of *tora* (religious learning) and *mitzvot* (religious duties);
  - (3) the issue of certificates of ritual fitness (*kashrut*) (*hekhsher* certificates);
  - (4) the conferment of eligibility to serve as a *dayan* (judge of a religious court) under the *Dayanim* Law, 5715-1955<sup>(2)</sup>;
  - (5) the conferment of eligibility to serve as a town rabbi under town rabbis' elections regulations made in pursuance of the Jewish Religious Services Law (Consolidated Version), 5731-1971;
  - (6) the conferment upon a rabbi of eligibility to serve as a rabbi and marriage registrar;
  - (7) any act required for the carrying out of its functions under any law.

Place of sitting of Council.

### 3. The place of sitting of the Council shall be in Jerusalem.

### 4.

- Composition of Council.
- (a) The following are the members of the Council:
    - (1) the two Chief Rabbis of Israel, one a Sephardi, called Rishon Le-Zion, the other an Ashkenazi; they shall be elected in direct, secret and personal elections by an assembly of rabbis and representatives of the public (hereinafter referred to as "the Electoral Assembly");
    - (2) one town rabbi from each of the towns of Jerusalem, Tel Aviv-Jaffa, Haifa and Beersheba; the Sephardi and Ashkenazi town rabbis of these towns shall serve for half a period of tenure alternately, as shall be prescribed by regulations;
    - (3) ten rabbis, to be elected in direct, secret and personal elections by the Electoral Assembly, half of them Sephardim and half of them Ashkenazim (hereinafter referred to as "the elective members of the

Council").

- (b) The Council may act even if the number of its members has decreased, so long as it is not less than half the full number.

## 5.

Qualifications  
for being  
elected.

- (a) There shall be qualified to be elected as a Chief Rabbi of Israel a person who -
  - (1) at the time of the election has completed his fortieth and has not completed his seventieth year and
  - (2) is serving or has served or is qualified to serve as a *dayan* or town rabbi or has been declared by the Council to be a great *tora* scholar.
- (b) There shall be qualified to be elected as an elective member of the Council a person who -
  - (1) at the time of the election has completed his thirtieth year and
  - (2) is serving or has served in Israel as a *dayan* or town rabbi or is qualified to serve as a *dayan* or town rabbi or has been declared by the Council to be a great *tora* scholar.
- (c) A Chief Rabbi of Israel shall not be a candidate in elections for a period immediately subsequent to his tenure.
- (d) A member of the Election Committee shall not be a candidate for the office of Chief Rabbi of Israel or of elective member of the Council.

## 6.

Electoral  
Assembly.

- (a) The Electoral Assembly shall have 150 members, being 80 rabbis and 70 representatives of the public.
- (b) The Electoral Assembly may act even if the number of its members has decreased, so long as it is not less than eighty.

## 7. The rabbis in the Electoral Assembly shall be -

Rabbis in  
Electoral  
Assembly.

- (1) 30 town rabbis from the major towns;
- (2) 14 town rabbis from the major local councils;
- (3) two regional rabbis from the major regional councils; "regional rabbi" means a person appointed with the approval of the Minister of Religious Affairs to be a rabbi of a regional council;
- (4) eight rabbis from the major *moshavim* (smallholders' settlements);
- (5) the most veteran neighbourhood rabbi from each of the towns of Jerusalem, Tel Aviv-Jaffa, Haifa and Beersheba, and in the case of neighbourhood rabbis with equal length of service, the oldest of them; "neighbourhood rabbi" means a person appointed by the Religious Council, with the approval of the Minister of Religious Affairs, to be a neighbourhood rabbi;
- (6) the ten most veteran *dayanim*, and in the case of *dayanim* with equal length of service, the oldest of them;

- (7) the Chief Army Chaplain and his deputy, and if he has no deputy, the army chaplain with the highest military rank, and in the case of army chaplains of equal rank, the one with the greatest length of service in the Army Chaplaincy;
- (8) ten rabbis appointed by the Minister of Religious Affairs with the approval of the Government.

**8.** The representatives of the public in the Electoral Assembly shall be -

Representatives of public in Electoral Assembly.

- (1) the mayors of 25 major towns;
- (2) the heads of six major local councils;
- (3) the heads of four major regional councils;
- (4) the heads of the religious councils of 14 major towns;
- (5) the heads of the religious councils of four major local councils;
- (6) two Ministers elected by the Government;
- (7) five members of the Knesset elected by it or by one of its' committees empowered by it for this purpose;
- (8) ten members of the public appointed by the Minister of Religious Affairs with the approval of the Government.

Composition of Electoral Assembly.

**9.** In appointments under sections 7(8) and 8 (8), the Minister of Religious Affairs shall seek to ensure that half of the members of the Electoral Assembly are Sephardim and half Ashkenazim.

Certificate by Minister of Interior.

**10.** For the purposes of sections 7 and 8, "major" shall be construed in accordance with the number of Jewish inhabitants, and a certificate by the Minister of Interior shall be conclusive evidence of such number.

**11.**

Election Committee.

- (a) For the conduct of the election of the Chief Rabbis of Israel and of the elective members of the Council, an Election Committee of five members shall be set up, viz. two members elected by the Government, two members elected by the Council from outside its ranks, and a chairman, who shall be a judge or *dayan*, or a judge or *dayan* retired on pension, appointed by the Minister of Religious Affairs with the approval of the Government.
- (b) If the Council does not elect the members of the Committee, as provided in subsection (a), within thirty days from the day when the Minister of Religious Affairs notifies it that it should do so, the Minister of Religious Affairs shall appoint them with the approval of the Government.
- (c) The Committee may act even if the number of its members has decreased, so long as it is not less than three, including the chairman.

Convening Electoral Assembly.

**12.**

- (a) The Election Committee shall prescribe the time and place for the holding

of the elections and shall publish notice thereof in *Reshumot*. The elections shall take place in Jerusalem.

- (b) The chairman of the Election Committee shall convene the Electoral Assembly on election day and shall open the Assembly, and the Electoral Committee shall conduct the elections.

Publication of list of members of Electoral Assembly.

**13.** Not later than 21 days before election day, the Election Committee shall publish in *Reshumot* a list of the members of the Electoral Assembly and shall notify every member of his membership thereof by registered post or personal delivery.

**14.**

Proposal of candidates.

- (a) Not less than 20 members of the Electoral Assembly may, on their own initiative or on that of a person qualified to be elected, propose a candidate for the post of Chief Rabbi of Israel or of elective member of the Council. The proposal shall be in writing, signed by the proponents, and shall be submitted to the chairman of the Election Committee not later than seven days before election day, together with the candidate's consent in writing, signed by him.
- (b) No person shall sign proposals for more than one candidate from each community (i.e. Sephardi or Ashkenazi - Tr.) for the post of Chief Rabbi of Israel or proposals for more than five candidates from each community for the posts of elective members of the Council; if a person does so, all his signatures shall be void.
- (c) Any signatures after the first thirty to any proposal submitted shall be disregarded for the purposes of this section.
- (d) Where a candidate dies within seven days before election day, the elections shall be postponed for one week, and within that time additional candidates may be proposed.

**15.**

Voting at Assembly.

- (a) The Chief Rabbis of Israel shall each be elected by separate vote at the same time and place.
- (b) The Sephardi and Ashkenazi elective members of the Council shall be elected in groups of five by separate vote at the same time and place. Every member of the Electoral Assembly shall vote for three to five Sephardi candidates and three to five Ashkenazi candidates; if a member fails to do so, his vote shall be void.
- (c) The candidates who have obtained the greatest number of votes are elected. If two or more candidates obtain the same number of votes, the Electoral Assembly shall take additional votes on them until a decision is reached.
- (d) The Election Committee shall publish a notice of the results of the

elections in *Resbumot*.

**16.**

Period of  
tenure and  
date of  
elections.

- (a) A Chief Rabbi of Israel shall serve for ten years and an elective member of the Council shall serve for five years. The period of tenure shall be reckoned according to the Jewish calendar.
- (b) The tenure of a Chief Rabbi of Israel and of an elective member of the Council shall begin upon the expiration of the tenure of their predecessors, and in the case of the first elections under this Law, upon their election.
- (c) The election of the Chief Rabbis of Israel and of the elective members of the Council shall be held not earlier than three months and not later than one month before the expiration of the tenure of those currently serving.

**17.**

Division  
of functions  
between  
Chief Rabbis  
of Israel.

- (a) During half the period of tenure of the Chief Rabbis of Israel one of them shall act as President of the Council and the other as President of the Rabbinical Grand Court, and during the other half the arrangement shall be reversed. The Chief Rabbi of Israel who is acting as President of the Rabbinical Grand Court shall not carry out the functions or exercise the powers legally or customarily vested in the President of the Council.
- (b) Within seven days from the date of commencement of their tenure, the Chief Rabbis of Israel shall, by agreement, determine the order of the discharge of their functions. If they do not reach agreement as aforesaid, the one who has served in Israel as a *dayan* for a longer period or, if only one of them has so served, this one, shall be President of the Rabbinical Grand Court. If the length of their service as *dayanim* is the same or if neither of them has served as a *dayan*, the older of them shall have the right to determine the order of the discharge of their functions.

Resignation.

**18.** A Chief Rabbi of Israel or an elective member of the Council may resign by tendering a letter of resignation to the Minister of Religious Affairs. His period of tenure shall cease forty-eight hours after his letter of resignation reaches the Minister of Religious Affairs unless he withdraws his resignation before then.

Vacation of  
post for  
reasons of  
health.

**19.** The Minister of Religious Affairs may, on the strength of the opinion of three physicians appointed by the Minister of Health, declare that for reasons of health a Chief Rabbi of Israel or an elective member of the Council is permanently unable to carry out his functions, and if the Minister of Religious Affairs so declares, the place of the Chief Rabbi of Israel or elective member of the Council shall become vacant.

Vacancy  
of  
place of  
Chief  
Rabbi

**20.**

- (a) If the place of a Chief Rabbi of Israel falls vacant three-and-a-half years or more before the expiration of his period of tenure, a Chief Rabbi of Israel shall be elected in his stead within six months in the manner in which a Chief

of Israel.

Rabbi of Israel is elected under this Law.

- (b) If the Chief Rabbi of Israel whose place has fallen vacant as specified in subsection (a) was the President of the Council, his powers shall, pending the election of a new Chief Rabbi of Israel, vest in the oldest member of the Council, and if he was the President of the Rabbinical Grand Court, they shall so vest in the *dayan* of the Rabbinical Grand Court with the greatest length of service or, in the case of *dayanim* with equal length of service, in the oldest of them.
- (c) A person elected Chief Rabbi of Israel under subsection (a) shall serve until the expiration of the period of tenure of his predecessor and shall take the latter's place for the purposes of the discharge of functions under section 17 (a).
- (d) If the place of a Chief Rabbi of Israel falls vacant less than three-and-half years before the expiration of his period of tenure, the remaining Chief Rabbi of Israel shall act as President of the Council and President of the Rabbinical Grand Court until the expiration of the period of tenure. If his place, too, falls vacant, the powers of the President of the Council shall vest in the oldest member of the Council, and the powers of the President of the Rabbinical Grand Court shall vest in the *dayan* of the Rabbinical Grand Court with the greatest length of service or, in the case of *dayanim* with equal length of service, in the oldest of them, until the expiration of the period of tenure.

## 21.

Vacancy of  
place of  
elective  
member of  
Council.

- (a) If the place of an elected member of the Council falls vacant, he shall be replaced by the rabbi from the same community, Sephardi or Ashkenazi, who obtained the greatest number of votes of any candidate who was not elected, provided that he obtained not less than 25 votes. If two or more candidates obtained the same number of votes, the vacancy shall be filled by the oldest of them. In the absence of any such candidate as aforesaid, the Council shall elect a rabbi to be a member of the Council.
- (b) A person who becomes a member of the Council under subsection (a) shall serve until the expiration of the period of tenure of his predecessor.

## 22.

Procedure.

- (a) Rules for convening the meetings of the Council and procedure for its deliberations shall be prescribed by regulations with the approval of the Council, and in so far as they are not prescribed by regulations, they shall be prescribed by the Council.
- (b) The Chief Army Chaplain shall be invited to every meeting of the Council and shall have the right to express his opinion but not the right to vote.

Supplementar  
y **23.**

provisions.

- (a) Where a person who is not a resident and national of Israel is elected Chief Rabbi of Israel, he may only assume his office upon becoming a resident and national; if he does not become a resident and national within six months from the date of his election, his place shall be considered vacant.
- (b) A candidate for elective membership of the Council, as well as a member of the Electoral Assembly, shall be a Jew and a resident and national of Israel.
- (c) A member of the Council shall assume office after signing before the President of the State the following declaration:

"I pledge myself to bear allegiance to the State of Israel and faithfully to carry out my functions as a member of the Council of the Chief Rabbinate of Israel."

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Inspection  
by State  
Comptroller.

**24.** The financial and administrative affairs of the Chief Rabbinate of Israel shall be subject to inspection by the State Comptroller.

**25.** In the *Dayanim* Law, 5715-1955 --

- (1) in section 8 --
  - (a) subsection (a) shall be replaced by the following subsection:

"(a) The President of the Rabbinical Grand Court shall be the Chief Rabbi of Israel designated in that behalf in accordance with the Chief Rabbinate of Israel Law, 5740-1980.";

- (b) in subsection (c), after the words "he shall preside over the Court", there shall be inserted the words "Where the Chief Rabbi of Israel who is not serving as president of the Rabbinical Grand Court is included in the bench, he shall preside over the Court, provided that the President of the Rabbinical Grand Court is not included in the bench.";

Amendment  
of  
*Dayanim* Law.

- (2) in sections 8 (d) and 13, the words "with the consent of the Chief Rabbis of Israel" shall be replaced by the words "in consultation with the President of the Rabbinical Grand Court", and in section 9 (a) the words "and the Chief Rabbis of Israel" shall be replaced by the words "and in consultation with the President of the Rabbinical Grand Court";
- (3) in sections 18, 19, 20 (b) and (d), 23 and 27, the words "the Chief Rabbis of Israel" or "one of the Chief Rabbis of Israel" shall be replaced by the words "the President of the Rabbinical Grand Court";
- (4) the following shall be added at the end of section 20 (c):

"If the body of *dayanim* of the Rabbinical Grand Court does not appoint the members of the Court of Discipline within thirty days from the day on which a complaint is submitted by the Minister of Religious Affairs, the President of the Rabbinical Grand Court shall appoint them.".

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26. In the Jewish Religious Services Law (Consolidated Version), 5731- 1971, the following section shall be inserted after section 12:

Amendment  
of  
Jewish  
Religious  
Services  
Law.

"Disciplinary  
proceedings  
against  
town rabbi.

**12A.**

- (a) A town rabbi shall be subject to the jurisdiction of a Court of Discipline.
- (b) The Council of the Chief Rabbinate of Israel shall appoint the members of the Court of Discipline, who shall be a *dayan* or a *dayan*retired on pension, as chairman, and two town rabbis.
- (c) The Minister of Religious Affairs may submit to the Court of Discipline a complaint against a town rabbi on one of the following grounds:
  - (1) the rabbi has behaved improperly in the discharge of his functions;
  - (2) the rabbi has conducted himself in a manner unbecoming to his status as a rabbi in Israel;
  - (3) the rabbi has been convicted of an offence which in the circumstances of the case involves moral turpitude.
- (d) The Court of Discipline shall present its findings, whether favourable or unfavourable to the rabbi, to the Minister of Religious Affairs. If it decides that the rabbi is unworthy to continue in his post, the Minister of Religious Affairs shall present the findings of the Court to the President of the Council of the Chief Rabbinate of Israel, who shall remove the rabbi from office.
- (e) The powers and procedure of the Court of Discipline, rules for the submission of complaints, and other matters connected with the exercise of disciplinary jurisdiction under this section shall be prescribed by regulations with the consent of the Minister of Justice."

Amendment 27. In section 179 of the Penal Law, 5737-1977<sup>(3)</sup>. the final portion, beginning with



of the words "the two Chief Rabbis of Israel" shall be replaced by the words "The  
Penal Law. President of the Rabbinical Grand Court".

Amendment  
of  
Disciplinary  
Justice  
(Retrial)  
Law.

**28.** In the Schedule to the Disciplinary Justice (Retrial) Law, 5721-1961<sup>(4)</sup>, in item (2) of column II, the words "Either of the Chief Rabbis of Israel" shall be replaced by the words "The President of the Rabbinical Grand Court".

**29.**

Repeal.

- (a) The Chief Rabbinical Council (Elections) Law, 5732-1972<sup>(5)</sup>, is hereby repealed.
- (b) The Chief Rabbinical Council (Elections) (Temporary Provisions) Law, 5739-1979<sup>(6)</sup>, is hereby repealed.

**30.**

Temporary  
provisions.

- (a) The first elections of Chief Rabbis of Israel under this Law shall take place not later than the 1st Nisan, 5743 (15th March, 1983).
- (b) The two Chief Rabbis of Israel who held office immediately before the adoption of this Law by the Knesset shall continue to hold office until the 1st Nisan, 5743 (15th March, 1983), and the provisions of this Law shall apply to them. For the purposes of section 17, they shall be deemed to have been elected on the 1st Nisan, 5740 (18th March, 1980).
- (c) For the purposes of section 5 (c), the period of tenure referred to in subsection (b) shall be regarded as a full period of tenure.
- (d) The first elections of elective members of the Council under this Law shall be held within six months from the date of the adoption of this Law by the Knesset, and the members of the Council of the Chief Rabbinate who held office immediately before the said date shall continue to hold office until the holding of elections under this subsection.
- (e) The members of the Council under section 4 (2) shall assume office on the day on which the elective members of the Council are elected under subsection (d).

Implementati  
on  
and  
regulations.

**31.** The Minister of Religious Affairs is charged with the implementation of this Law and may, with the approval of a joint committee of the Constitution, Legislation and Juridical Committee and the Home Affairs and Ecology Committee of the Knesset, make regulations as to any matter relating to such implementation.

MENAHEM

BEGIN

*Prime*

*Minister*

AHARON ABUHATSSIRA

*Minister of Religious Affairs*

YITZCHA

K NAVON

*President of*

*the State*

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\* Passed by the Knesset on the 2nd Nisan, 5740 (19th March, 1980) and published in *Sefer Ha-Chukkim* No. 965 of the 11th Nisan, 5740 (28th March, 1980), p. 90; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 1405 of 5739, p. 214.

<sup>(1)</sup> *Sefer Ha-Chukkim* of 5731, p. 130; *LSI* vol. XXV, p. 125.

<sup>(2)</sup> *Sefer Ha-Chukkim* of 5715, p. 68; *LSI* vol. IX, p. 74.

<sup>(3)</sup> *Sefer Ha-Chukkim* of 5737. p. 226; *LSI* Special Volume: Penal Law. 5737-1977.

<sup>(4)</sup> *Sefer Ha-Chukkim* of 5721. p. 56; *LSI* vol. XV. p. 49.

<sup>(5)</sup> *Sefer Ha-Chukkim* of 5732. p. 42; *LSI* vol. XXVI, p. 43.

<sup>(6)</sup> *Sefer Ha-Ctiukkim* of 5739. p. 122; *LSI* vol. XXXIII. p. 14.

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**SOURCE:** "*Laws of the State of Israel: Authorized Translation from the Hebrew, Volume 34*". Government Printer, Jerusalem, Israel (1948-1987), pp. 97-106.

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