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PRIME MINISTER'S OFFICE

The Prime Minister's Letter

Following is the text of the letter from Mr. David Ben-Gurion addressed to the "hachmei Israel," Jewish scholars in Israel and abroad, soliciting their opinions on the issue of registration of children of mixed marriages. On the basis of these opinions the Cabinet Committee formulated its recommendations to the Israeli Government.*

13 Heshvan 5719
October 27, 1958

I AM approaching you in accordance with the decision adopted by the Israel Government on July 15, 1958, according to which a committee consisting of the Prime Minister, the Minister of Justice and the Minister of the Interior was appointed to examine the rules for the registration of children of mixed marriages, both of whose parents wish to register their children as Jews. In this decision the Government instructed the committee to consider "statements of opinion by Jewish scholars in Israel and abroad on this subject," and to formulate registration rules "in keeping with the accepted tradition among all circles of Jewry, orthodox and non-orthodox of all trends, and with the special conditions of Israel, as a sovereign Jewish State in which freedom of conscience and religion is guaranteed, and as a center for the ingathering of the exiles."

*Cf. Congress Weekly, January 5, 1959 (Vol. 26, No. 1).

The Register of the Population has been in existence in Israel since 1949, and among the particulars which have to be recorded according to the law are "Religion" and "Nationality." The Ministry of the Interior is responsible for the execution of the Registration of the Population Law, and the registration officers are authorized by law to demand and receive from the residents liable for registration such documents and information as they require for the purpose of verifying the particulars before they are registered. Each resident receives an Identity Card according to the particulars recorded in the Register, and this serves him for various purposes. In time of emergency every male resident has been obligated by law to carry his Identity Card wherever he goes.

From time to time proposals have been made to abolish the Register or the registration of "Religion" or "Nationality" as part of the Register, but we have so far been unable to accept these proposals, for security and other reasons, and we shall be unable to do so in the near future. In the light of our special situation, when there is no practical possibility of a thorough and permanent control of the country's borders to prevent the entry of infiltrators from the hostile neighboring countries, who are a source of grave and constant danger to the peace of the country and its population, it is essential that a legal resident in Israel should be able to identify himself at all times by means of a document supplied by an official authority.

THE laws of Israel forbid all discrimination between one person and another on account of differences in race, color, nationality, religion or sex, but Jews enjoy one special privilege alone by virtue of the Law of the Return. A non-Jew who wishes to immigrate to Israel must receive permission to do so, and the state is empowered to withhold such permission. If he settles in the country he may become a citizen of Israel only by naturalization, which he can request after two years' residence. A Jew, however, is entitled to settle in Israel according to the Law of

the Return by virtue of the fact that he is a Jew (if he is not a habitual criminal who is liable to endanger the public welfare or suffering from a disease liable to endanger the public health), and as soon as he settles in it he becomes, automatically, an Israel citizen.

The establishment of the religion of Israel residents is also essential for this reason. According to the existing laws of Israel matters of marriage and divorce are under the authority of the religious courts: the Shar'ia Courts for Moslems, the Religious Courts of the various Christian communities for Christians, and the Rabbinical Courts for Jews. According to the existing law, marriages and divorces are conducted in Israel only according to the religious laws and by religious ceremonies; and according to the existing law marriages and divorces of Jews are held in Israel only according to Jewish religious law.

The question has arisen how to register under the heading of "Religion" and "Nationality" children born of mixed marriages, when the father is a Jew and the mother is not a Jewess and has not become converted as a Jew. The opinion has been expressed that since the Register is a civil one and does not serve for religious purposes (the religious authorities are not obligated to be satisfied with it or to rely upon it, and in general they are not prepared to do so), this registration should not be governed by purely religious criteria. Others say that since "Religion" and "Nationality" are inseparable, and since religious allegiance is naturally a religious question, only religious criteria should be followed, both in registering religion and registering nationality.

The Government has decided that the religion or nationality of an adult shall be registered as "Jewish" if he declares in good faith that he is a Jew and does not adhere to another religion. According to the Law of the Equality of Women in force in Israel both parents are the guardians of their children; if one of them dies the survivor is the guardian. Generally, therefore, the declaration of both parents is accepted in any case in which a declaration is required from a child who has not yet reached maturity.

In regard to the question of the registration in the Register of Population of children born in mixed marriages, the following question has arisen, however: If the mother is non-Jewish and has not been converted, but both she and the father agree that the child shall be Jewish, should it be registered as Jewish on the basis of the expression of the desire of the parents and their declaration in good faith that the child does not belong to another religion, or is any further ceremony of any kind required, in addition to the agreement and the declaration of both parents, for the child to be registered as a Jew? On this question the Cabinet Committee has to make its recommendations to the Government, after receiving expressions of opinions by Jewish scholars as above.

FOUR considerations should be taken into account for the understanding of the problem as a whole:

(1) The principle of freedom of conscience and religion has been guaranteed in Israel both in the Proclamation of Independence and in the Basic Principles of the governments that have held office until now, which have included both "religious" and "secular" parties. All religious or anti-religious coercion is forbidden in Israel, and a Jew is entitled to be either religious or non-religious.

(2) Israel serves in our time as a center for the ingathering of the exiles. The immigrants come from East and West, from both progressive and backward countries, and the merging of the various communities and their integration into one nation is one of Israel's most vital and difficult tasks. Every effort must therefore be made to strengthen the factors that foster cooperation and unity, and to root out as far as possible everything that makes for separation and alienation.

(3) The Jewish community in Israel does not resemble a Jewish community in the Diaspora. We in this country are not a minority subject to the pressure of a foreign culture, and there is no need here to fear the assimilation of Jews among non-Jews

which takes place in many prosperous and free countries. On the contrary, here there are, to a slight extent, possibilities and tendencies making for the assimilation of non-Jews among the Jewish people, especially in the case of families coming from mixed marriages who settle in Israel. While mixed marriages abroad are one of the decisive factors making for complete assimilation and the abandonment of Jewry, mixed marriages among those who come here, especially from Eastern Europe, result in practice in the complete merging with the Jewish people.

(4) On the other hand, the people of Israel do not regard themselves as a separate people from Diaspora Jewry; on the contrary, there is no Jewish community in the world that is inspired by such a profound consciousness of unity and identity with the Jews of the world as a whole as the Jewish community in Israel. It is no accident that the Basic Principles of the Government lay it down that the Government shall take measures for "the intensification of Jewish consciousness among Israel youth, the deepening of their roots in the past of the Jewish people and its historic heritage, and the strengthening of their moral attachment to world Jewry, in the consciousness of the common destiny and the historic continuity that unites Jews the world over of all generations and countries."

In the light of all the above considerations, we shall be grateful if you will be good enough to give us your opinion on the course which we should pursue in the registration of the children of mixed marriages both of whose parents—both the Jewish father and the non-Jewish mother—wish to register their children as Jews.

DAVID BEN-GURION