1) Babylonian Talmud - Tractate Yevamot 47a Our Rabbis taught: If at the present time a man desires to become a proselyte, he is to be addressed as follows: What reason have you for desiring to become a proselyte; do you not know that Israel at the present time are persecuted and oppressed, despised, harassed and overcome by afflictions? If he replies, I know and yet am unworthy he is accepted forthwith, and is given instruction in some of the minor and some of the major commandments. He is informed of the sin [of the neglect of the commandments of] Gleanings, the Forgotten Sheaf, the Corner and the Poor Man's Tithe. He is also told of the punishment for the transgression of the commandments. Furthermore, he is addressed thus: Be it known to you that before you came to this condition, if you had eaten suet you would not have been punishable with kareth, if you had profaned the Sabbath you would not have been punishable with stoning; but now were you to eat suet you would be punished with kareth; were you to profane the Sabbath you would be punished with stoning. And as he is informed of the punishment for the transgression of the commandments, so is he informed of the reward granted for their fulfilment. He is told, Be it known to you that the world to come was made only for the righteous, and that Israel at the present time are unable to bear either too much prosperity. or too much suffering. He is not, however, to be persuaded or dissuaded too much. If he accepted, he is circumcised forthwith. Should any shreds which render the circumcision invalid remain, he is to be circumcised a second time. As soon as he is healed arrangements are made for his immediate ablution, when two learned men must stand by his side and acquaint him with some of the minor commandments and with some of the major ones. When he comes up after his ablution he is deemed to be an Israelite in all respects. In the case of a woman proselyte, women make her sit in the water up to her neck, while two learned men stand outside and give her instruction in some of the minor commandments and some of the major ones.	**1) תלמוד בבלי – מסכת יבמות (מז.)** תנו רבנן: גר שבא להתגייר בזמן הזה, אומרים לו: מה ראית שבאת להתגייר? אי אתה יודע שישראל בזמן הזה דוויים, דחופים, סחופים ומטורפין, ויסורין באין עליהם? אם אומר: יודע אני ואיני כדאי, מקבלין אותו מיד. ומודיעין אותו מקצת מצות קלות ומקצת מצות חמורות, ומודיעין אותו עון לקט שכחה ופאה ומעשר עני. ומודיעין אותו ענשן של מצות, אומרים לו: הוי יודע, שעד שלא באת למדה זו, אכלת חלב אי אתה ענוש כרת, חללת שבת אי אתה ענוש סקילה, ועכשיו, אכלת חלב ענוש כרת, חללת שבת ענוש סקילה. וכשם שמודיעין אותו ענשן של מצות, כך מודיעין אותו מתן שכרן, אומרים לו: הוי יודע, שהעולם הבא אינו עשוי אלא לצדיקים, וישראל בזמן הזה - אינם יכולים לקבל - לא רוב טובה ולא רוב פורענות. ואין מרבין עליו, ואין מדקדקין עליו. קיבל, מלין אותו מיד. נשתיירו בו ציצין המעכבין את המילה, חוזרים ומלין אותו שניה. נתרפא, מטבילין אותו מיד ושני ת"ח עומדים על גביו, ומודיעין אותו מקצת מצות קלות ומקצת מצות חמורות.

2**) Ibid - Tractate Sanhedrin 44a** Israel hath sinned. R. Abba b. Zabda said: Even though [the people] have sinned, they are still [called] Israel. R. Abba said: Thus people say, A myrtle, though it stands among reeds, is still a myrtle, and it is so called.	**2) שם – מסכת סנהדרין (מד:)** חטא ישראל. אמר רבי אבא בר זבדא: אף על פי שחטא - ישראל הוא. אמר רבי אבא: היינו דאמרי אינשי אסא דקאי ביני חילפי אסא שמיה, ואסא קרו ליה.

3) **Maimonides (Mishneh Torah) –** **Laws of Prohibited Sexual Relationships – Chapter 13** **1** Israel entered the covenant [with God] with three acts: circumcision, immersion, and offering a sacrifice. **2** Circumcision took place in Egypt, [before the Paschal sacrifice, of which Exodus 12:48] says: "No uncircumcised person shall partake of it." Moses our teacher circumcised [the people]. For with the exception of the tribe of Levi, the entire [people] neglected the covenant of circumcision in Egypt. Regarding this, [Deuteronomy 33:9, praises the Levites] it is said: "They upheld your covenant." **3** Immersion was performed in the desert before the Giving of the Torah, as [Exodus 19:10] states: "Sanctify them today and tomorrow, and have them wash their garments." Sacrifices [were also offered then], as [*ibid.* 24:5] states: "And he sent out the youth of the children of Israel and they brought burnt offerings." They offered them as agents of the entire Jewish people. **4** Similarly, for [all] future generations, when a gentile desires to enter into the covenant, take shelter under the wings of the Divine presence, and accept the yoke of the Torah, he must undergo circumcision, immersion, and the offering of a sacrifice. A woman [who converts] must undergo immersion and bring a sacrifice, as [Numbers 15:15] states: "As it is for you, so shall it be for the convert." Just as you [entered the covenant] with circumcision, immersion, and the offering of a sacrifice; so, too, for future generations, a convert must undergo circumcision, immersion, and must bring a sacrifice.	3) **רמב"ם –** **הלכות איסורי ביאה, פרק יג** **א** בִּשְׁלוֹשָׁה דְּבָרִים נִכְנְסוּ יִשְׂרָאֵל לַבְּרִית--בְּמִילָה, וּטְבִילָה, וְקָרְבָּן. **ב** מִילָה--הָיְתָה בְּמִצְרַיִם, כְּשֶׁנֶּאֱמַר "כָּל-עָרֵל, לֹא-יֹאכַל בּוֹ" (שמות יב,מח). מָל אוֹתָם מֹשֶׁה רַבֵּנוּ, שֶׁכֻּלָּם בִּטְּלוּ בְּרִית מִילָה בְּמִצְרַיִם, חוּץ מִשֵּׁבֶט לֵוִי; וְעַל זֶה נֶאֱמַר "וּבְרִיתְךָ יִנְצֹרוּ" (דברים לג,ט). **ג** טְבִילָה--הָיְתָה בַּמִּדְבָּר, קֹדֶם מַתַּן תּוֹרָה: כְּשֶׁנֶּאֱמַר "וְקִדַּשְׁתָּם הַיּוֹם וּמָחָר; וְכִבְּסוּ, שִׂמְלֹתָם" (שמות יט,י). וְקָרְבָּן--כְּשֶׁנֶּאֱמַר "וַיִּשְׁלַח, אֶת-נַעֲרֵי בְּנֵי יִשְׂרָאֵל, וַיַּעֲלוּ, עֹלֹת" (שמות כד,ה), עַל יְדֵי כָּל יִשְׂרָאֵל הִקְרִיבוּם. **ד** וְכֵן לְדוֹרוֹת, כְּשֶׁיִּרְצֶה הַגּוֹי לְהִכָּנֵס לַבְּרִית, וּלְהִסְתּוֹפֵף תַּחַת כַּנְפֵי הַשְּׁכִינָה, וְיקַבֵּל עָלָיו עֹל תּוֹרָה--צָרִיךְ מִילָה, וּטְבִילָה, וְהַרְצָאַת קָרְבָּן; וְאִם נְקֵבָה הִיא, טְבִילָה וְקָרְבָּן: שֶׁנֶּאֱמַר "כָּכֶם כַּגֵּר" (במדבר טו,טו)--מַה אַתֶּם בְּמִילָה וּטְבִילָה וְהַרְצָאַת קָרְבָּן, אַף הַגֵּר לְדוֹרוֹת בְּמִילָה וּטְבִילָה וְהַרְצָאַת קָרְבָּן. [ה] וּמַה הוּא קָרְבַּן הַגֵּר--עוֹלַת בְּהֵמָה, אוֹ שְׁתֵּי תּוֹרִים אוֹ שְׁנֵי בְּנֵי יוֹנָה, וּשְׁנֵיהֶם עוֹלָה. וּבַזְּמַן הַזֶּה שְׁאֵין שָׁם קָרְבָּן, צָרִיךְ מִילָה וּטְבִילָה; וּכְשֶׁיִּבָּנֶה הַמִּקְדָּשׁ, יָבִיא קָרְבָּנוֹ.

4) Law of Return, 1950
Every Jew has the right to come to his country as an *oleh* (immigrant).

5) Excerpts from Brother Daniel Summation, 1962
Judge Silberg
Quoting extensively from concepts in Jewish law, his main arguments nevertheless centered on the secular and original nature of the Law of Return, the general understanding of the term Jewish and the conclusion that an apostate is not Jewish. He also said that the modern Zionist in Zion does not deny the heritage of his forefathers.
Judge Landau
An apostate has created a barrier between himself and the national life of the people; the Law of Return is part of the link between Diaspora Jewry and Israel and the unity of the Jewish people.

Judge Cohen

History is one thing: continuity is another since it implies evolution. The latest and greatest historic change for the Jewish people - the creation of the State - implies an evolution of the people's values and definitions. The Law of Return itself includes not objective criteria for deciding whom to register as Jewish with all the accompanying rights, so we must assume it intended the criteria to be subjective, namely a declaration in good faith, such as presented by Rufeisen. This is the limit of its mandate; no exclusions can be accepted for they do not exist within the Law itself; religious considerations or affiliations are irrelevant.

6) Law of Return – Amendment 2 (1970)

4A. (a) The rights of a Jew under this law and the rights of an *oleh* under the Nationality Law, 5712-1952, as well as the rights of an *oleh* under any other enactment, are also vested in a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who has been a Jew and has voluntarily changed his religion.

7) Isaiah Berlin's response to David Ben Gurion (excerpted)

If Israel is to be in the full sense a modern liberal State, the question of religious affiliation should make no difference to its laws of citizenship, or the civil and political rights enjoyed by its inhabitants. On the other hand, it is clear that there would have come into being no State of Israel if Judaism were merely a religion, and not, in some sense, a nationality as well. I assume that, for reasons of security, if none other, the inhabitants of Israel may at any rate for some time be required to register as either Jews or non-Jews of various categories. Should persons who are recognized (by members of their society, Jewish or non-Jewish) as Jews in the common sense of the word, but are not recognized as Jews by the rabbis interpreting the Halakha in the traditionally accepted manner, be regarded as politically and legally Jews or not?

There can be no clear cut or ready-made solution to this problem. If we are to rule out religious coercion even of the mildest kind—by the pressure of custom and public opinion—as being incompatible with the minimum of requirements of individual liberty (and I cannot see how Israel can morally fail to do so—it was not denial of religious liberties that created Zionism) then there must exist a category of persons who will be entitled to register themselves as Jews by nationality, but not by religion. What criterion can be used in determining who these persons are?

I must admit that the common sense criterion, according to which anyone is a Jew who is taken to be a Jew, particularly by his Gentile neighbors in the countries of the Dispersion, seems to be near the mark but somewhat fluid and vague. We can invent one, e.g., the criterion already proposed by some in Israel, including, I believe, yourself, of a declaration that one belongs to no other religion and therefore desires to be a Jew. Against that, some may argue that this definition is too wide—it could include persons not normally thought of as Jews by anyone (say an ex-Nazi pagan)—and too narrow, for it should in principle be possible—however few persons will follow this in practice or however anomalous this may seem-, for a man to be nationally a Jew and by religion a Christian, a Moslem or whatever he pleases. To say that the national categories of Jew, Arab, Armenian, etc., may be retained, but that if a man is a Christian, he is automatically deprived of some political rights does seem to me—even if it is politically unavoidable and demanded by Jewish public opinion—a form of religious discrimination.

You may call this academic, since it is not, at present, an important practical issue, since the number of eccentrics who desire to live as Jews in Israel and yet practice some non-Jewish religion, does not at present seem likely to become at all significant. Nevertheless, the issue of principle is there, and might one day (if, for example, Christian missions succeed in making converts) become important. Perhaps therefore the best solution to this problem, so long as the Law of Return operates, is to determine the nationality of such queer borderline cases (and it is only about them that this issue revolves) by means of *ad hoc* machinery: to establish a Commission, whether as part of an existing Ministry, or as a special institution consisting of qualified experts, to determine with regard to potential immigrants, and to those already resident in Israel, both children and adults, who should and who should not be qualified to register as (politically) a Jew.

I should have thought that (a) someone who has lived the life of a Jew outside Israel, e.g., by being identified with the Jewish community in some clear sense, even though his mother may be a non-Jewess, would be cruelly punished if he were excluded from Jewish nationality—and not only from the Jewish religious community—on religious grounds. Such persons may of course choose to go through the rite of formal conversion (as, for example, I am told that the late Lord Melchett in England did), but even if they do not, to exclude them from the (politically) Jewish community unless they do so seems to me gratuitous and harsh; (b) similarly, children of mixed marriages whose Jewish fathers desire them to be brought up as Jews should in my view be allowed to be registered as Jews, in the expectation that the mere process of being brought up with other Jews in Israel will surely do its work of adequate assimilation.

8) Solomon B. Freehof's response to David Ben Gurion (excerpted)

But what is to be done under the present circumstances? The State can do no other than to make religion a matter of choice, and Orthodoxy can do no other than express its mood of suspicion in the matter and demand the full ceremonial of bathing and circumcision as an indispensable preliminary. In fact, it may even demand the formal conversion of the mother, on the ground that the child, even if converted, yet being raised by a Christian mother, would not be truly a Jew. All this constitutes a sharp conflict in which a solution must be found.

May I suggest that a solution is possible? The State can make clear that it is not deciding for the Jewish religion what is a Jew. It is making only a civic or political decision as to which of the three communities, Christian, Mohammedan, or Jewish the citizen belongs. The religious tests remain. When this child grows up and is about to marry, it will be the duty of the religious authority to inquire whether this child is born of a Jewish or a Gentile mother. It should have such a questionnaire for all who come to be married. If the religious authorities find that the person was born of a Christian mother, then they may demand that certain ceremonials be observed before the marriage is permitted. All that the State now says is that this child is politically or civically Jewish. Whether or not it is religiously Jewish is left to the religious authorities to decide whenever the matter will come before them, in such individual cases as in marriage or divorce.

Of course, this involves, in effect, the creation of a group of what may be called half-proselytes to Judaism. They will be people who have full Jewish rights civically, but only tentative Jewish rights religiously. Is this possible? Is there a precedent for it? There is, indeed! Besides the full proselytes [ger zedek] which Orthodoxy now demands, there was, also, during the time of the Jewish State, a status of halfproselytes [ger toshav]. This is based upon the Talmud (Abodah Zarah 64b) and codified by Maimonides (Issurei Bi'ah XV, 7–8). But such half-proselytes could only be

accepted while the Jewish State existed. The technical phrase for that being, "while the Jubilees were being observed." But after the Jewish State ceased to exist, it was not safe or permitted to welcome such half-proselytes (cf. Maimonides, ibid., 8). However, now there is a Jewish State. Without going into the complex question of the State's status in Jewish religion, the human fact is clear, as you indicate in your letter, that whatever assimilation there is, it will be towards Judaism and not away from it. Therefore, it is again possible to have "gere toshav," half-proselytes. Actually, this is all that the government of the State of Israel wants. The present difficulty with the religious groups has arisen chiefly because of a confusion between "ger zedek," the full proselyte, and "ger toshav," the half or tentative proselyte. If the State will now declare that it does not proclaim these children "gere zedek" (This gerut—type of convert—will be a matter for religion to decide, when the problem of the status of the child will come before the religious authorities at marriage, etc.) the State is only making a "ger toshav" decision affirming the civic right to choose to belong to the Jewish community rather than to the Christian or Mohammedan. It is with this clear distinction that I believe a solution can be arrived at.

9) Abraham Joshua Heschel's response to David Ben Gurion (excerpted)

It is generally accepted in our life that the Jewish people and the Torah (I shall use the word "religion") are inseparable. The Government decision separates the inseparable and creates two authorities: the nation, on the one hand, and religion, on the other. This approach, which determines that there is a Jewish people without religion, also implies that there is a Jewish religion without a people. Such a distinction is liable to cause a rift between the sectors of the nation, as well as a fundamental change in the nature of the essence of the nation and of the Torah. The nation will be like any other, and the Torah like any other religion. The first change will lead to denial of the existence of a Jewish people, and the second will turn the Jewish religion into a denomination or sect. Such a rift would also open the door to the possibility that even a Jew who converted to Christianity could remain a Jew.

It is a fact that many Jews no longer believe in the God of Abraham and His Torah. But it is also a fact that many have ceased to believe in the existence of the nation, just as the belief in the return to Zion has disappeared in the modern age. Many were convinced that the end was near. Without faith, there could be no visionaries. Just as there is a bad angel who releases a single drop that leads to destruction, so there is a good angel who releases a single drop of faith. It is on this drop that we live. The last word has not yet been written in the chapter of faith. Our children are drawing closer to us every day. I do not believe in the decline of faith, but in its reawakening.

Reason and daily experience both demonstrate that there is no possibility of establishing Jewish existence in the Diaspora on a secular Jewish culture. All the aspirations of writers in the Diaspora to create a secular culture have been trodden under and ridiculed. Nothing remains save the Torah and soulful yearning for a way of life given meaning by eternal life. You are of the opinion that in the State of Israel "there is no fear that the Jews will become assimilated among the non-Jews." I believe that the danger of spiritual assimilation can be expected anywhere, and not even the holiness of the Land of Israel and the endeavor to rebuild it can obviate this danger.

I am not ignoring the difficulties. I understand the distress of those who claim that the world of halakha is too narrow for them. The problem is that some see all of Judaism through the mirror of the finest point of religious law and disregard the Jewish spark. They make the fence more important than what it contains. Extremism and punctiliousness are not to our advantage. Even

the Lord, who wished at first to create the world by the quality of justice, saw that it could not exist thus and added to it the quality of mercy. Flexibility is a virtue, not fanaticism.
Faith cannot be imposed. Coerced faith is worse than heresy. But deference can be planted in the heart of the generation. Like the wicks of a candle waiting to be lit, many wait to hear the tidings that the spirit of God is hovering over the face of the deep, to see the beauty of that spirit. The trouble is that they do not know of the light that is in Judaism. Many of us who recoil from the shadows have never seen the light. Some of those who deny God in public believe in secret. But as we have yet to find a way to express ourselves to those who reject the faith they have learned by rote, they wander confusedly in alien worlds.
May I be allowed to remark that now that the State of Israel is firmly established, the time has come to examine the national movement carefully and to ask whether there is justification in viewing religion as merely a means to an end or a device for ensuring the survival of the nation. This approach rests on ignorant assumptions. The nation is eternal. And the end itself is basically a religious one. Moreover, the mission of the Torah is to seek answers for problems of paramount importance in private and public life.
Every definition distorts. "Jew" is both a religious and a national concept. As a religious concept, it has an immutable definition. As a national term, it is vague. In such a situation, it is advisable to say: better not to define than to define and thereby uproot what has been planted. If for reasons of national security there is a need for legal residents of Israel to identify themselves by means of some document, those who cannot call themselves "Jews" might be registered as "Hebrews." As for the Law of Return, "do not ask questions."

10) Yekhiel Weinberg's response to David Ben Gurion (excerpted)

A Jew is a person who believes in the God of Israel and keeps his Torah in his heart and soul and observes it in his daily life. We have no other Judaism than that of the observance of the Torah and commandments. This is the legitimate, historical Judaism. It is this Judaism that shaped the character of the Jewish people and made it a unique national entity with a specific spiritual essence. The gentile world recognizes a Jew as a member of the Jewish faith. This is his hallmark in the eyes of the enlightened non-Jewish world…
Had we been willing to forego the sacred principle of observance of the Torah and commandments, we could have provided a simple solution to the "Jewish problem." But because of the awareness and conviction that Judaism is the root of our soul and without it our life is not life at all, we were not willing to waive the right to live as Jews. We have no other Judaism, and we have no wish to reshape or alter the form of our Judaism. Traditional Judaism is our national culture, and the name "Jew" is a title of honor for all who bear this culture. This precious name cannot tolerate a different meaning. It has received religious consecration, and nothing is greater than that. We all know how many sacrifices in body, soul and property it has cost us to defend and preserve this hallowed name. We must therefore not dishonor it by offering it to anyone who wishes to gain temporary or permanent residence in our blessed land.