

**Handout 6b: The Citizenship and Entry into Israel Law (2003)**

Directions: In small groups, answer the following questions in the chart provided below.

- 1) What are some of the specific arguments that group members came up with either in favor of or against the Citizenship and Entry into Israel Law?
- 2) For these arguments, what core values are you trying to uphold? In other words, which values do you prioritize above others? Why? Jot down some of these values on the “keep the law” and the “repeal the law” sides.
- 3) What lessons from US immigration history apply here on both sides? Can you as a group come up with any parallels between the two nations?

<b>KEEP THE LAW</b>	<b>OVERTURN THE LAW</b>
1) Arguments for Keeping the Law (be as specific as possible)	1) Arguments for Repealing the Law (be as specific as possible)
2) Values for Keeping the Law	2) Values for Repealing the Law
3) Connections to US history	3) Connections to US history

4) It is now time for your group to take a unified position on this issue and present it to the class. Please discuss all the arguments and employ persuasive rhetorical techniques until you arrive at unanimity. Then select someone to present the group’s views to the class. If you absolutely cannot agree, present a majority and a minority opinion.

***Let's Hear from the Israeli High Court of Justice:***

**In upholding the Law, the court found that:**

From Justice Grunis (MAJORITY):

“I can only again remind you of the certain damage that will be incurred as a result of the entry into Israel of thousands of Palestinians who will receive permanent resident or citizen status as a result of their marriage to Israeli citizens. Based on past data, there is no doubt that a certain percentage of them will be involved in acts of terror. While this percentage is expected to be very low to minimal, terror will clearly occur nonetheless, even if we cannot assess the extent of potential damage. There is no need to describe the results of terror. As far as I know, nowhere in the world has a country ever granted entry to thousands of enemy nationals, whether for marriage or any other purpose, during time of war or armed conflict. There is no reason for Israel to be a pioneer in this respect.”

From Justice Rubinstein (MAJORITY):

“The Jewish People gained sovereignty after two thousand years of exile. Jewish sovereignty is the most precious trust of all in Jewish history, such that it is incumbent upon our generation and all generations to guard it and our security most scrupulously.”

***Based on these statements and your own thinking, what do you understand to be the essential reasons the court upheld this law?***

**But the Court was divided in its opinion:**

From Justice Jubran (MINORITY):

In establishing his family, a person determines how he is to live his life and build his personal world... Shared life under one roof is within the very heart of the constitutional right to family life and marriage... We realize that shared life is not a mere marginal feature of the right to family life but one of its most substantive components, if not the most substantive of all. As such, adversely affecting a person's ability to maintain shared life together with his spouse effectively damages the essence of family life; denying a person the ability to maintain shared life in Israel with his spouse is denying him the right to family life in Israel. The result is not simply derogation of one possible meaning of the constitutional right to maintain family life but full denial of this right – and so it should be viewed.

From Justice Levy (MINORITY)

“Every person bears (legal) responsibility for his actions – a conclusion demanded by our Jewish and democratic values. Our Jewish values inform us: “The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers; every man shall be put to death for his own sin” [Deuteronomy 24:16]. Our character as a freedom- and liberty-seeking democratic state leads us to conclude that one does not derogate from a person’s rights unless that person’s deeds constitute a danger to the security of the state.

The stipulations of the Citizenship and Entry into Israel Law contradict such principles. They accord decisive weight to the security component while severely damaging first-order basic rights. In its present format, the Law threatens to breach the wall – whose strength has held it firmly in place until now – known as “a Jewish and democratic state.” The severe damage it causes reverberates throughout. Its enactment is a constitutive event in the history of Israeli democracy. Even though some will perceive it as a watershed in relations among government authorities, the court can no longer observe this event from the sidelines. There is no choice but to apply its judicial authority because of the severity of the damage the Law will cause and the fear of additional implications.”

***Based on these statements and your own thinking, what are some powerful and persuasive reasons why this law shouldn’t be upheld?***

**Final Discussion Questions:**

- 1) How does the debate over the Citizenship and Entry into Israel Law highlight the tension inherent in being a Jewish and a democratic state?
- 2) Does the Court’s decision appear to favor the Jewish aspect or the democratic one? What does this reveal about the Court or about modern Israeli society?

***SEE NEXT PAGE FOR REFLECTION PROMPT***

