The Law of Return:
An Introduction

Zionist ideology was premised upon the reconstitution of the Jews as a free, self-determining nation in their own state. In recognition of this aspiration, Israel's Declaration of Independence declared that "The State of Israel will be open to the immigration of Jews and for the ingathering of exiles from all countries of their dispersion." In 1950, this principle was given shape as the Law of Return, enshrining this Zionist principle within Israeli law.

The Law of Return did not step from ideology alone; it was also a practical measure. In the wake of the Holocaust, the first act of the new Israeli government was to abolish all restrictions on Jewish immigration. Israel, the government declared, would provide Jews the world over with a haven from antisemitism.

The Law of Return has also functioned as a means of maintaining a Jewish majority within the State of Israel by promoting aliyah. During the 1940s and 50s, Israel's population balance was decisively shifted through the immigration of millions of Jews. Today, even within the pre-1967 borders, more than twenty percent of Israel's citizens are non-Jewish. As a result of higher birth-rates, the demography of the country continues to shift in their favor.

The Law of Return has not escaped controversy. It has been suggested that an immigration policy which explicitly gives priority to one ethnic or religious group cannot be justified in liberal democratic terms, and is incompatible with Israel's mandate as a democratic state.

Additionally, the arrival of more than a million immigrants from the former Soviet Union since 1989 has demonstrated that unrestricted waves of immigration can place huge economic, social and cultural pressures upon the state (despite the long term benefits of population growth for the Israeli economy).

The immediate and automatic granting of citizenship may also undermine the national identity of the state and its democratic process by enabling new immigrants to influence Israeli politics before demonstrating either their commitment or a basic grasp of the relevant issues.

There is also fierce debate surrounding the question of "Who is a Jew," and by extension, who is eligible to make aliyah under the Law of Return. At present, the definition is based on Hitler's Nuremberg Laws: the right of Return is granted to any individual with one Jewish grandparent, or who is married to someone with one Jewish grandparent. As a result, thousands of people with no meaningful connection to the Jewish people theoretically have the right to immigrate.

To make matters more complicated, the Israeli Rabbinate, a purely Orthodox body, is far more stringent about its definition of who is a Jew, leaving thousands of "Jewish" immigrants ineligible for marriage and unrecognized by the state authorities.

Despite its centrality to Israel's civic ethos, the Law of Return exists as a regular law with no special constitutional status. It is therefore vulnerable to the partisan pressures of Israeli politics, and can be amended or repealed by a simple majority vote in the Knesset.

Proposals from across the political spectrum to amend the Law of Return and resolve these issues have included:

- Abolition and replacement with an egalitarian immigration policy.
- Liberalization so as to include all Jews on the basis of self-definition.
- Tightening to include only those whose Jewish status is recognized by *halacha*.
- Instituting a formal naturalization process including a waiting period and an oath of allegiance before the granting of citizenship.
- Entrenchment as a Basic Law or Constitutional provision that would require a special majority for amendment or repeal.

In these units participants will have the opportunity to study Israel's immigration policy and the issues associated with it, explore avenues for reforming the Law of Return, and formulate recommendations on the subject for the Constitution, Law and Justice Committee of the Knesset

http://www.jewishvirtuallibrary.org/jsource/Politics/return.html