

HISTORY OF ISRAEL EXPLAINED

EDUCATOR'S GUIDE



THE LAW OF RETURN

Section 1: Additional Resources

- Ruth Gavison, "The Law of Return at Sixty Years: History, Ideology, Justification" <http://www.metzilah.org.il/webfiles/fck/file/shvut%20eng%20Book%20Final.pdf>
- David Clayman, "The Law of Return Reconsidered" <http://www.jcpa.org/jl/hit01.htm>
- Jewish Virtual Library, "Israel's Basic Laws: An Introduction to the Law of Return" <https://www.jewishvirtuallibrary.org/an-introduction-to-the-law-of-return>
- Center for Israel Education, "Knesset Amends Law of Return to Define 'Who Is A Jew'" <https://israeled.org/knesset-amends-law-of-return/>
- The Knesset, "The Law of Return 5710 (1950)" <https://knesset.gov.il/laws/special/eng/return.htm>

Section 2: Discussion Questions

- What makes someone Jewish? Someone who identifies as Jewish? Someone whose mother is Jewish? Someone whose grandparents were Jewish? Someone whose parents are both Jewish but denies the existence of God? How would YOU define a Jew?
- The 1950 Law of Return codified the line in Israel's Declaration of Independence, which states that "The State of Israel will be open to the immigration of Jews and the ingathering of exiles from all countries of their dispersion." Two of the reasons suggested as the major goal of this Law are: to ensure a Jewish majority in Israel and to ensure Jews always have a place of refuge. Which of these two goals is more important for the Jewish world from your perspective and why?
- The Law of Return brings to the fore the question of Who is a Jew. In 1962, the Brother Daniel case became famous. Brother Daniel was a Polish Jew who converted to Catholicism during the Holocaust and became a monk. The Supreme Court ruled he was ineligible to immigrate under the Law of Return. In 1969, there was another famous case (the Shalit case) in which the Israeli Supreme Court ruled that "a child born in Israel to a Jewish Israeli father and non-Jewish mother could be registered as Jewish in Israel's Population Registry." This goes against traditional Jewish law. In 1970, the law was amended and a Jew was defined as someone who has a Jewish mother or who converted to Judaism, but does not claim to be part of another religion.

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- One of the challenges of the Law of Return is that the Israeli Rabbinate oversees marriage and divorce. As a result of this law, non-Orthodox converts admitted to Israel under the Law of Return cannot marry or divorce in the country. What solutions do you see for this challenge?
- Read this article about a recent interesting case involving the Law of Return. What's your take on the scenario? Do you agree or disagree with the Interior Ministry's ruling?

Section 3: Review

1. How Why did Israel establish the Law of Return?
2. From which countries did Israel absorb mass migrations of persecuted Jews?
3. Today, who in Israel is eligible to become an Israeli citizen based on the Law of Return?
4. The Law of Return provides _____, whereas the Citizenship Law provides _____.
 - a. Obligations, Citizenship
 - b. Citizenship, Asylum
 - c. Asylum, Citizenship
 - d. Benefits, Obligations
5. The Law of Return is partially based on:
 - a. Nuremberg Laws
 - b. Jim Crow Laws
 - c. U.S. immigration laws
 - d. British immigration laws

Section 4: Reflection Questions

- In the Israel-Palestine Conflict, Neil Caplan says, "For the Palestinians, this Law confirmed Israeli moves to prevent exiled Palestinians from returning to their pre-1948 homes, and became intertwined in the package of unresolved grievances which increased Arab bitterness." Caplan writes that many Arabs view this law as "racist and discriminatory." If you were Palestinian, how would you feel about this law? Is it possible to hold empathy in one hand and disagreement with a perspective on the other hand?
- In what ways do you see Israel as a homeland for all Jews, and where do you see this as a challenge to play itself out?
- Watch our videos about Yemenite/Ethiopian immigration to Israel and about Soviet immigration to Israel. Do they change your perspective on this topic in any way?
- Keeping this all in mind, to what extent should Israel define itself as a Jewish state? Should it follow Jewish Law, or do you have other suggestions for how to define its Jewish character?