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Russian Jewish Immigration and its Effect on the State of Israel

SHELESE EMMONS*

INTRODUCTION

Since the nineteenth century, the State of Israel has sought to gather together people of Jewish ancestry.¹ Israel's immigration policy is contained in its Declaration of Independence, passed on May 14, 1948, and reads, "[t]he State of Israel is open to Jewish immigration and the Ingathering of Exiles."² The Law of Return, enacted July 5, 1950 following the establishment of statehood, gives every Jew in the world the right to immigrate to Israel.³ As recently as 1996, the Israeli government voiced its continuing commitment to increase immigration and to strengthen the bond of Jewish heritage and Zionism.⁴ A recent immigration wave from Russia, however, has forced Israelis and the Israeli government to question the strength of this commitment. As Russian Jews have immigrated to Israel in the hundreds of thousands, Israel has experienced significant social, cultural, and political changes. The changes caused by this immigration have in turn raised issues with legal implications; specifically the question of "who is a Jew?"

This paper examines the changes to Israeli society resulting from the recent wave of Russian immigration and the potential legal questions that have surfaced as a result of these changes. First, this paper briefly outlines the relevance of Jewish Law to Israeli Law, thus explaining the significance of religious status within the legal regime. Second, it discusses the major social, cultural, and political changes in Israeli society resulting from the recent wave of Russian immigration. Finally, this paper examines the effect that these changes have had on Israeli society and posits that these changes have forced

* J.D., Indiana University School of Law, Bloomington; B.A., 1994, Purdue University. The author would like to dedicate this paper to her mother, Cecelia Emmons.

1. See CALVIN GOLDSCHIEDER, *ISRAEL'S CHANGING SOCIETY* 230 (1996).

2. *Id.* at 49.

3. *FUNDAMENTAL LAWS OF THE STATE OF ISRAEL* 156 (Joseph Badi ed., 1961).

4. In establishing its guidelines, the 1996 government stated to the Knesset that its main goal was the ingathering and integration of Jewish people. *The New Government's Guidelines*, JERUSALEM POST, June 18, 1996, at 3.

several religious and legal issues to the forefront; namely “who is a Jew” and more broadly, whether Israel can and will continue to embrace immigrants in fulfilling the Zionist dream.

I. THE RELEVANCE OF RELIGIOUS STATUS IN ISRAELI LAW

Israel’s legal regime is rather unique because it synthesizes religious values with democratic ones. For both historical and national reasons, complete separation of state and religion does not exist in Israel. Therefore, religious affiliation has significance and plays an important role under the Israeli legal system.⁵ The State of Israel is defined in its Declaration of Independence as both a Jewish state and as a democracy. Case law and statutory law emphasize the Jewish character of Israel as well as its democratic values.⁶ It is important to note, however, that despite its status as a Jewish state, Israel guarantees religious freedom. Although there is a Jewish majority in the country, Judaism is not the official religion of Israel.⁷ Religious freedom is recognized in Israel and is protected by laws regarding the freedom to worship, the safeguarding of holy places, the right of conversion, the right to have religious education, and the protection of civil and political rights of members of various faiths.⁸

Although freedom of religion is guaranteed to Israeli citizens, freedom of religion for Jewish citizens is subject to a central impediment—the Religious Courts.⁹ The Israeli judiciary includes two principle courts systems: the General Law or Regular Courts and tribunals of limited jurisdiction. The General Law Courts have general jurisdiction while the tribunals’ jurisdiction is limited by parties, subject matter, or both. The tribunals of limited jurisdiction include Military Tribunals, Labor Courts, and Religious Courts.¹⁰

5. Asher Maoz, *Constitutional Law*, in *THE LAW OF ISRAEL: GENERAL SURVEYS* 5, 36 (Itzhak Zamir & Sylviane Colombo eds., 1995).

6. *Id.* at 33. The Jewish character of the State of Israel is emphasized in several legislative enactments. The State Education Law states that the object of education is “to base elementary education in the state on values of Jewish culture . . . on love of the homeland and loyalty to the state and the Jewish people.” *Id.* at 35. The Broadcasting Authority Law states that one of its objects is to strengthen “the connection with the Jewish heritage.” The Basic Law: Freedom of Occupation regards “the values of the State of Israel as a Jewish and Democratic State” as the basis for the preservation of human rights. *Id.*

7. Ruth Lapidot & Michael Corinaldi, *Freedom of Religion in Israel*, in *ISRAELI REPORTS TO THE XIV INTERNATIONAL CONGRESS OF COMPARATIVE LAW* 273, 274 (Alfredo Mordechair Rabello ed., 1994).

8. *Id.* at 292-93.

9. Maoz, *supra* note 5, at 37.

10. *Id.* at 25-26.

The Religious Courts apply religious law to their respective religious community, primarily in the area of family law, over which they have exclusive jurisdiction.¹¹ Jewish citizens in Israel are subject to the jurisdiction of the Rabbinical Religious Courts. The Rabbinical Courts are composed of Orthodox rabbis who do not recognize other forms of Judaism such as Conservative and Reform. Jewish persons, whether religious or secular, are therefore subject to Orthodox religious laws, as interpreted by the Rabbinical Courts, in the areas of marriage, divorce, adoption, and conversion.¹²

The jurisdiction of the Rabbinical Courts has given rise to special problems for Jews. The Jewish population in Israel is very heterogeneous; it includes Conservative, Reform, Orthodox, and even nonreligious Jews.¹³ Therefore, a number of people who consider themselves "Jewish" are not recognized as truly Jewish under the Rabbinical Courts. The term "Jewish" has an ethnic as well as a religious connotation and the two aspects are not easily separated.¹⁴ The dual nature of Judaism, as both a religion and an ethnicity, is of particular relevance in the areas of immigration and nationality. Despite the religious nature of Judaism, relevant immigration laws are concerned with the return of the Jewish *people* to Israel. However, although immigrants may be considered Jewish for the purpose of entering Israel, their status changes and becomes that of a "second-class" Jew once they arrive. Thus, there is a continuing debate over the question of "who is a Jew."¹⁵

While the concept of "Jew" or "Jewish people" is an integral part of immigration law and continues to be relevant in Israeli Rabbinical Courts, there is no explicit legal definition of Jewish identity. Neither the Declaration of Independence nor the Law of Return provide a such a definition.¹⁶ The Rabbinical Courts adopt the *halakhic* or religious test of Jewish identity: a "Jew" is a person who was born to a Jewish mother or has converted to Judaism. Therefore, this definition applies in matters of divorce and marriage law. In immigration and nationality matters, however, the definition of a Jew is less strict and recognizes Reform and Conservative Jews as well as Jews who may be nonreligious. The Knesset has amended the Law of Return and the Population Registry Law, adding a definition of Jewish identity: "[f]or the

11. *Id.* at 29.

12. *Id.* at 37.

13. Lapidoth & Corinaldi, *supra* note 7, at 289.

14. *Id.* at 274.

15. *Id.* at 281.

16. *Id.*

purpose of this law, 'a Jew' means a person born to a Jewish mother or converted to Judaism and who is not a member of another religion."¹⁷ The amendment, however, does not indicate what kind of conversion will suffice. In practice, because of the power of Rabbinical Courts, only Orthodox conversions are recognized.¹⁸

The continuing debate over the question of "who is a Jew" has been brought to the forefront recently because of the mass Russian Jewish immigration to Israel. Because many Russians consider their status as Jews to have only ethnic and not religious implications, most of the 700,000 post-1988 Russian immigrants are secular, while nearly 100,000 are not considered Jewish under Orthodox Jewish law. Thus, while they may be considered "Jewish" for the purposes of the right of return, they are treated very differently than other Jews by the Rabbinical Courts once they arrive in Israel. For example, they cannot be married in Jewish courts or buried among Jews.¹⁹

The distinct nature of the new Russian immigrants has caused much controversy in this area. Rather than simply accepting the status quo as it pertains to the legal implications of religion, they are demanding that the status quo be changed. This, in turn, is causing Israeli citizens and the Israeli government to question "who is a Jew" and is causing Israel to question its policy of allowing every Jew the right of return. Although these questions have always been pervasive, the significant cultural, social, and political changes caused by the new Russian immigrants have exacerbated the religious turmoil that currently divides Israel.

II. SOCIAL, CULTURAL, AND POLITICAL EFFECTS OF THE RUSSIAN JEWISH IMMIGRATION

A. Background to Russian Jewish Immigration

Israel has experienced four major streams of immigration since its establishment. This paper examines the fourth, most recent stream of immigration from the former Soviet Union and analyzes the significant social, cultural, and political effects that this recent wave has had on Israel. Since

17. *Id.* at 283.

18. Barton Gellman, *Many Israelis Dispute Power of Rabbinate*, WASH. POST, Apr. 3, 1997, at A23.

19. Stephen Franklin, *Israel's Orthodox Powers Deny Religious Rites to Many Emigres*, CHI. TRIB., Aug. 10, 1997, at C4.

1990, nearly one million immigrants have arrived in Israel from the former Soviet Union,²⁰ bringing the country's population to 5.764 million.²¹ Following the collapse of communism, Mikhail Gorbachev's glasnost policy allowed Jews to emigrate from the former Soviet Union. This policy, coupled with stricter immigration quotas by the United States, signaled a new wave of immigration to Israel, or *aliya*.²² Although Russian Jews had previously immigrated to Israel in large numbers, this newest mass of Russian Jewish immigrants represents the largest migration ever to Israel in such a brief time period.²³ Israel predicts attracting up to one million more Russian immigrants in the future.²⁴

During the course of the past century, Russian Jews have been provided with many reasons to desire an exit path out of the Soviet Union. The rise of Stalin in the 1930s and the signing of the Hitler-Stalin pact brought tragic consequences for Jewish citizens,²⁵ with World War II resulting in the deaths of six million European Jews. In some instances, Soviet Jews watched as local Soviets helped the Nazis annihilate Jews in the Ukraine and White Russia. After the war, Jews who returned to Western areas of the Soviet Union were treated with open hostility by residents.²⁶ Russian Jews have historically been deprived of their Jewish cultural and spiritual heritage.²⁷ The long history of antisemitism in the former Soviet Union has resulted in a lack of Jewish cultural identity among Russian Jews. In 1949, the government banned the teaching of Yiddish throughout the Soviet Union and Yiddish books were burned at the city library.²⁸ In 1959, the only synagogue in Birobidzhan, the capital of the Jewish Autonomous Region of Russia, burned down in a suspicious fire. No synagogue has been rebuilt.²⁹

20. Christopher Walker, *Donkey Work is Now Shifting Rubbish in Squalid Town of Jesus*, THE TIMES (London), Dec. 23, 1996.

21. *Israel's Population Hits 5.7 Million*, UPI, Dec. 31, 1996, available in LEXIS, News Library, UPI File. The Russian influx to Israel is equivalent to the United States taking on thirty-one million new people. David Makovsky, *From Russia With Clout*, U.S. NEWS AND WORLD REP., June 10, 1996, at 47.

22. The term *aliya* refers to immigration to Israel. RITA J. SIMON, *NEW LIVES: THE ADJUSTMENT OF SOVIET JEWISH IMMIGRANTS IN THE UNITED STATES AND ISRAEL* 50 (1985).

23. GOLDSCHIEDER, *supra* note 1, at 51.

24. Timothy J. McNulty, *Newest Israelis Find Their Political Voice*, CHI. TRIB., June 8, 1996, at 3; *A Coat of Many Colours*, ECONOMIST, Jan. 22, 1996, at 10 [hereinafter *Coat of Many Colours*].

25. SIMON, *supra* note 22, at 4-5.

26. *Id.*

27. Henry H. Weinberg, *Soviet Jewry: New Tragic Dilemmas*, MIDSTREAM, Oct. 1991, at 15.

28. *Jerusalem on the Amur*, ECONOMIST, May 6, 1995, at 52.

29. *Id.*

Intense antisemitism continues today in post-perestroika Russia and provides much of the basis for the mass exodus of Russian Jews since 1989.³⁰ Russian Jews are deeply concerned about the circulation of antisemitic pamphlets and the reemergence of extremist organizations. Extremist groups have held “conventions” at which delegates from across the country are invited to debate the “Jewish problem.” Delegates also voice a belief that most of Russia’s conflict over the past century can be attributed to Jews. Evidence of antisemitism in Russia can even be found in the pages of several well-known journals and best selling novels.³¹ Despite a modest resurgence of Jewish culture since 1990, the Jewish population in Russia is dwindling fast, even in the Jewish Autonomous Region.³² These historical factors have contributed to the mass Russian Jewish immigration to Israel.

B. How New Russian Immigrants to Israel Differ From Their Predecessors

The newest wave of Russian immigrants has made a large impact on Israeli society because they are markedly different than their Russian predecessors in several respects. First, they come from a different Russia: a post-glasnost and post-perestroika Russia.³³ Unlike previous groups of Russian immigrants, most of the new immigrants stopped actively practicing Judaism and do not speak Hebrew.³⁴ With one-fifth claiming to be non-Jews, Russian immigrants in Israel are now labeled “non-Zionists.”³⁵ In the Soviet Union, being Jewish was primarily a matter of ethnicity or nationality and had little to do with religion. Since many Russian Jews have never practiced Judaism, claiming to be a nonbeliever or even adopting another religion is not considered by them to be a betrayal of their Jewish heritage.³⁶

Second, the newest Russian immigrants were not motivated to travel to Israel for Zionist reasons, but have a more common explanation: to ensure a better life for their children and to escape the general state of chaos in the former Soviet Union. Many Russian families felt pressured to leave the former Soviet Union because of “rampant mass hysteria” and antisemitism.³⁷ The

30. Weinberg, *supra* note 27, at 15.

31. *Id.*

32. James Brooke, *A Promised Land in Siberia? Well, Thanks, but*, N.Y. TIMES, July 11, 1996, at A4.

33. Gail Lichtman, *70s Success Stories*, JERUSALEM POST, Dec. 9, 1994, at 20.

34. *Coat of Many Colours*, *supra* note 24.

35. Gershon Gorenberg, *Bad Cabbies*, NEW REPUBLIC, June 19, 1995, at 19.

36. Serge Schmemmann, *Immigrants to Israel Learn the Hard Way*, INT’L HERALD TRIB., Nov. 26, 1996.

37. Rivka A. Eisikovits, “I’ll Tell You What School Should do for Us” *How Immigrant Youths From*

Russian *aliya* is in large part comprised of people who had given up on the Soviet Union.³⁸ Given the opportunity, many of the new Russian immigrants would have preferred to live in the United States rather than Israel.³⁹ Jews in the latest immigration wave left Russia because they felt that they “had to.” In contrast, the immigrants of the 1970s, or second wave of Russian immigration to Israel, were deeply motivated by a Zionist vision.⁴⁰

Finally, the new immigrants were generally not a part of a defined Jewish community in Russia before arriving in Israel. Jews in Russia were a very dispersed community and most were not involved in Jewish affairs. Therefore, most Russian Jews experienced their first Jewish communal experience only upon reaching Israel.⁴¹ In each of these ways, the new Russian immigrants differ from their predecessors and these differences have brought with them change for Israeli society.

III. CHANGES IN ISRAELI SOCIETY AS A RESULT OF THE NEW RUSSIAN IMMIGRATION AND THE LEGAL IMPLICATIONS OF THOSE CHANGES

A. Cultural and Societal Changes

In order to best explain the distinct nature of the latest Russian immigration wave, it is helpful to compare it to one of the previous immigration waves, the Russian *aliya* of the 1970s. The 1970s Russian *aliya* brought immigrants to Israel who were in many ways very similar to the new immigrants—highly skilled and educated. Nearly half of the immigrants are university graduates.⁴² Where the two groups differ is in their behavior once reaching Israel. It is this difference that carries with it significant effects for current Israeli society. Russian immigrants in the 1970s were committed to integrating into Israeli society as quickly as possible.⁴³ They had a desire to

the Former U.S.S.R. View Their High School Experience in Israel, 27 YOUTH & SOC'Y, Dec. 1995, at 233-34.

38. See Haim Chertok, *Ferment From Russian Jews*, MIDSTREAM, May 1992, at 16; Makovsky, *supra* note 21, at 47.

39. *Coat of Many Colours*, *supra* note 24, at 13; Eisikovits, *supra* note 37, at 234.

40. Sue Fishkoff, *A World of Their Own*, JERUSALEM POST, Dec. 9, 1994, at 8 [hereinafter Fishkoff, *A World of Their Own*].

41. *Id.*

42. Lichtman, *supra* note 33, at 20.

43. In Israel, the language used to describe Jewish immigrant integration into society is “absorption”. This is an unusual description of assimilation. The word assimilation has a specific meaning in Israel and is used to designate the integration of Jews as a minority in the *Diaspora*. From a Zionist perspective,

belong to the mainstream and were ashamed to be considered part of a European “tribe.” For example, they learned Hebrew very quickly and stopped speaking Russian, particularly in public.⁴⁴ The new immigrants, unlike their predecessors, are not integrating as quickly. Part of this is a function of the size of the new immigration wave, while part of it is attributed to a lack of desire to identify with Israeli culture.⁴⁵ The new immigrants have developed immigrant neighborhoods in Israel, enclosing Russian newcomers in a familiar cultural and linguistic environment. Rather than integrating and dispersing into Israeli society, these immigrants are creating a large Russian subculture.⁴⁶ Because Israelis had not previously experienced this with other Russian immigrant groups, it is perceived as a refusal on the immigrants’ part to integrate as quickly as previous groups and this has had negative repercussions.⁴⁷

One of the most significant changes caused by the arrival of nearly one million Russian immigrants to Israel has been the addition of a new language. Unlike previous groups of immigrants, the new immigrants have developed their own Russian-speaking world within Israel.⁴⁸ In the 1970s, immigrants learned Hebrew very quickly, both from a desire to integrate into Israeli society professionally and socially, and as a necessity. In the 1970s, there were so few Russians in Israel that it was impossible to function without learning Hebrew.⁴⁹ Today, the immigrants from Russia are able to create a version of the world they left behind.

This is most apparent in examining the number of newspapers and radio and television broadcasts in Russian. In 1989, there was only one Russian-language newspaper available in Israel. By 1994, there were five local dailies, several weeklies, and more than a dozen Russian-language magazines.⁵⁰ Television broadcasters in Israel and the former Soviet Union have recognized a growing demand for Russian-language television programs. A 1996 Gallup

assimilation has negative connotations—the loss of community, continuity, and Jewish identity. GOLDSCHIEDER, *supra* note 1, at 37. For these reasons, this paper refers to integration or absorption rather than assimilation when discussing the Russian immigrant experience in Israel.

44. Abraham Rabinovich, *Return of the Tribes*, JERUSALEM POST, June 7, 1996, at 16.

45. Fishkoff, *A World of Their Own*, *supra* note 40, at 8.

46. *Id.*

47. *Coat of Many Colours*, *supra* note 24, at 13.

48. Fishkoff, *A World of Their Own*, *supra* note 40, at 33.

49. Lichtman, *supra* note 33, at 20.

50. Fishkoff, *A World of Their Own*, *supra* note 40, at 8. *Novesti Nedelyi*, the largest circulating Russian-language newspaper, was selling 20,000 to 25,000 copies a day in 1994. *Id.*

poll showed that eighty percent of the new immigrants from Russia received cable television, primarily to view Russian-language television programs.⁵¹ The growth in Russian programs indicates that most Russian immigrants maintain strong ties to their former home.⁵² Sasha Klein, head of Sasha Klein (television) Productions in Israel observes, “[i]t’s not like when I arrived here 22 years ago, when we were eager to speak only Hebrew and escape the ‘Russian ghetto.’ These new immigrants are still tied to Russian TV.”⁵³

There has also been an explosion in the number of businesses and services designed for and run by Russian-speaking immigrants.⁵⁴ Russian immigrants can find every service and product that they seek without having to leave their ever growing Russian world. For example, at grocery stores catering to Russian immigrants, patrons can find Russian products that were not available in 1989.⁵⁵ Even this seemingly minor change in Israeli society has caused significant tension. Among the more controversial items offered by Russian grocers is nonkosher meat. The recent wave of Russian immigrants, many of whom are nonpracticing Jews, has increased the demand for pork in Israel. However, pork is strictly prohibited by the Jewish religion and may be banned by a municipality.⁵⁶ Since pork is usually shunned by the Jewish population, grocers never had a reason to stock the meat until the new Russian immigrants arrived. Now, some Orthodox municipalities are prohibiting the sale of pork and local rabbis are campaigning door-to-door to dissuade residents from buying it.⁵⁷ Despite these actions, many Russian grocers ignore the unfamiliar kosher restrictions and continue selling pork.⁵⁸ While a “war over pork” seems unlikely, it indicates a deepening divide between the secular and religious political loyalties in Israel.⁵⁹

One of the more negative results of the recent Russian immigration has been the arrival of the Russian mafia. As Israel’s economy has prospered, it has attracted the attention of many foreign investors, including illegal types.

51. Sue Fishkoff, *Live, In Russian*, JERUSALEM POST, June 7, 1996, at 3 [hereinafter Fishkoff, *Live*].

52. Michele Gershberg, *Russian Immigrants Cast Ballots in Israel*, UPI, June 16, 1996, available in LEXIS, News Library, UPI File.

53. Fishkoff, *Live*, *supra* note 51, at 3.

54. Fishkoff, *A World of Their Own*, *supra* note 40, at 8.

55. *Id.*

56. *Sale of Pork Causes Scandal in Orthodox Quarter*, AGENCE FR. PRESSE, Dec. 18, 1996.

57. *Id.*

58. McNulty, *supra* note 24.

59. See Patrick Coburn, *Battle Lines of Religion are Drawn in Blood*, INDEPENDENT, June 3, 1996, at

There have been many reports that the Russian mafia is extending its activities into Israel.⁶⁰ Israel is a prime target for Russian criminal elements because Israel easily bestows citizenship on anyone who can show documents proving that they are Jewish.⁶¹ In addition to emerging Russian mafia rings, Israeli Mafioso are also motivated to return to Israel because of a controversial 1978 Knesset law. It provides that Israeli citizens cannot be extradited from Israel for any crime committed abroad after becoming Israeli citizens. This law was passed to protect Israelis from antisemitism in foreign courts, but has had the effect of making Israel a safe haven for its organized crime figures.⁶² This sudden rise in organized crime in Israel has had additional negative implications. It contributes to a growing hostility toward Russian immigrants and lends credence to a popular Israeli stereotype of Russian immigrants—that they are criminals.⁶³

B. Political Changes

In addition to the cultural and societal changes brought to Israel by the recent wave of Russian immigration, the immigrants have also added a major voice to Israeli politics. In the May 1996 national elections, Yisrael Ba'aliya,⁶⁴ the “Russian immigrant” party, led by Natan Sharansky,⁶⁵ captured seven seats in the Knesset. The electoral victory was stunning given the fact that Russian

60. Calev Ben-David, “Men of Respect”, JERUSALEM POST, Jan. 2, 1997, at 6.

61. Abraham Rabinovich, *Russian Mafia Gaining Foothold in Israel*, STRAITS TIMES (Singapore), Dec. 15, 1996, at 7. See also “Russian Mafia” A Threat to Israeli Security, AGENCE FR. PRESSE, Dec. 12, 1996.

62. Abraham Abramovsky, *Essay: International Security in the Post-Cold War Era: Can International Law Truly Effect Global Political and Economic Stability? Partners Against Crime: Joint Prosecutions of Israeli Organized Crime Figures by U.S. and Israeli Authorities*, 19 FORDHAM INT’L L.J. 1903, 1908 (1996). Members of the Israeli and Russian gangs typically meet in Israeli prisons, during their military service, or in Russian immigrant ghettos. Although the Russian and Israeli mafias are quite young and lack the experience of the more established Italian or Japanese mafias, they have managed to infiltrate the Interior Ministry, Justice Ministry, and the Bank of Israel. “Russian Mafia” a Threat to Israeli Security, *supra* note 61, at 7.

63. John Battersby, *Russian Immigrants Find a Voice in Israel’s New Parliament*, CHRISTIAN SCI. MONITOR, May 31, 1996, at 9.

64. Yisrael Ba’aliya refers to the new party of immigrants and has a double meaning: Israel on the Rise and Israel for Immigration. Joel Greenberg, *New Israelis With Ideas as Big as the Russian Sky*, N.Y. TIMES, July 26, 1996, at A10.

65. Natan Sharansky is a former Soviet Jewish dissident who spent nine years in a Soviet prison for alleged espionage. His wife Avital waged an international campaign for his release. He became one of the Soviet Union’s most celebrated dissidents in the West and was eventually released from prison on February 11, 1986. He arrived in Israel the same night to a hero’s welcome. *Ex-Soviet Dissident Sharansky to Visit Russia*, Reuters N. Am. Wire, Jan. 9, 1997, available in LEXIS, Allwld Library, REU File.

immigrants had never been previously successful in forming a political party.⁶⁶ The Yisrael Ba'aliya platform was aimed at creating a modern, more democratic Israel that would attract more immigrants,⁶⁷ up to one million more.⁶⁸ In addition to electing their own party, Russian immigrants also mobilized to elect Prime Minister Netanyahu. According to a government official, Natan Sharansky made a deal with Netanyahu to transport Russian immigrants to the polls. The strategy elicited an astonishingly strong voter turnout.⁶⁹

The new immigrant party has thus had a major influence in the coalition government of Prime Minister Netanyahu. Sharansky has noted that, with seven seats in the Israeli parliament, the Russian-speaking immigrants now feel that they are more accepted as part of the Israeli decisionmaking process. He explains, "there is no integration without representation."⁷⁰

This change in the Israeli political climate, although favorable for Russian immigrants, has been viewed as a negative change by many Israelis and exacerbates the hostility toward Russian immigrants. Many Israelis fear that the results of the 1996 Knesset elections move Israel closer to becoming a "splintered" society, thus threatening to undermine national unity. Because hundreds of thousands of voters deserted the two major political parties to support several emerging parties, those concerned with Israel's stability view this as an ominous development.⁷¹

C. Changing Israeli Attitudes Toward Immigration

The significant cultural, social, and political changes taking place in Israel as a result of Russian immigration have contributed to emerging fear and hostility toward Russian immigrants. On one level, it has caused direct hostility toward the immigrants themselves. On another, much broader level, these changes have caused Israelis to question their Zionist values and the ethic of accepting immigrants into Israel, quota free. For example, in early 1990, eighty-three percent of Israelis saw *aliya* as "very important" to the country. By 1994, only sixty-four percent agreed with this aspect of

66. Sue Fishkoff, *Seven Up*, JERUSALEM POST, June 7, 1996, at 11 [hereinafter Fishkoff, *Seven Up*].

67. *Id.*

68. Makovsky, *supra* note 21, at 47.

69. McNulty, *supra* note 24, at 3.

70. Batsheva Tsur, *Loan Scams Targets Immigrants*, JERUSALEM POST, Jan. 7, 1997, at 3.

71. Rabinovich, *Return of the Tribes*, *supra* note 44, at 16.

Zionism.⁷² Israeli stereotypes of Russian immigrants also reveal additional hostility. For example, Israelis stereotype Russian immigrants as thieves and prostitutes.⁷³ They also believe that the new immigrants are composed primarily of elderly or handicapped people sent by their children to exploit Israeli resources. In actuality, only 1.4 percent of the new immigrants are handicapped and less than one-sixth are over sixty-five years old.⁷⁴ Hostility toward Russian immigrants is even prevalent among young Israelis. In a survey conducted by Hafia University, two-thirds of Israeli teenagers polled stated that they would not be close friends with a Russian immigrant and believe that Russian immigrants take jobs from Israeli Jews.⁷⁵

It is also a source of resentment among many Israelis that Russian immigrants have questionable Jewish credentials. Many Russian immigrants claim to be non-Jews,⁷⁶ thus, the immigrants are often labeled “non-Zionists.”⁷⁷ This non-Zionist label carries with it many connotations and is a major source of fear to Israeli Jews. At least forty-seven percent of Israeli Jews believe that the continuing tension between religious and secular Jews will eventually lead to a violent struggle in Israel.⁷⁸

As a result of the significant changes taking place in Israel, many people believe that Israel is witnessing an erosion of its Zionist values and symbols and that, in a post-Zionist era, a new national ethos is taking place.⁷⁹ Others believe that Israel is losing its identity as the core of Judaism, thus weakening the bond that ties Israel to the *Diaspora* and creating polarization in Israel itself.⁸⁰ Professor Eliezer Schweid of Hebrew University has stated that since the common culture linking Jews today is that of a “global village,” Jewish people must do more to preserve and develop their cultural and linguistic heritage.⁸¹ Professor Arthur Hertzberg of New York University notes that the vision of the “normal” Jewish state, developed in an era of nation-states, is giving way to a system of regional structures, as in Europe. He has stated,

72. Gorenberg, *supra* note 35, at 19.

73. Battersby, *supra* note 63, at 9. Even young school girls are referred to as “Russian whores.” Gorenberg, *supra* note 35, at 19.

74. Gorenberg, *supra* note 35, at 18.

75. *Young Israelis Are Anti-Arab, Anti-Russian*, AGENCE FR. PRESSE, July 23, 1997.

76. See Schmemmann, *supra* note 36.

77. Gorenberg, *supra* note 35, at 19.

78. See *Israel. Who is a Rabbi?*, ECONOMIST, Dec. 7, 1996, at 44.

79. Rabinovich, *Return of the Tribes*, *supra* note 44, at 16.

80. Abraham Rabinovich, *Jewish History at the Crossroads*, JERUSALEM POST, Aug. 8, 1997, at 11.

81. *Id.*

“[t]he global normalcy of the next century will be the multiethnic, multicultural state or region,” and that Israel must prepare for this change. Post-Soviet Jewry is therefore a turning point for Jews in which the boundaries of “Jewishness” may become so blurred as to include even non-Jews.⁸² This possibility has stirred emotions among the Orthodox establishment in Israel who fear that massive immigration will ultimately destroy the Jewish people, and Reform and Conservative Jews, who view the issue as one of religious freedom.⁸³

D. Legal Implications

For the estimated 100,000 Russian immigrants who consider themselves nonreligious, and for the remaining immigrants who are Reform or Conservative Jews, the question of “who is a Jew” is a critical social problem.⁸⁴ Because these people may not be considered Jewish under the *halakha*, they will have to undergo Orthodox conversion before they have all of the rights enjoyed by other Jews.⁸⁵ For example, they may face impasses in such events as marriage, divorce, adoption, and burial.⁸⁶ With regards to marriage, there is no recognized civil marriage in Israel and a Jewish wedding requires the consent of an Orthodox rabbi. However, if one of the parties is not Jewish, the marriage will be denied.⁸⁷ Even a conversion will not suffice to make the marriage legal, unless the conversion is Orthodox. Because Reform or Conservative conversions are not recognized by the government, the marriage itself would not be recognized.⁸⁸ In order for immigrants to be married, many of them must leave the country or be married by mail.⁸⁹

Adoption law poses a similar problem. Any couple wanting to adopt a child who is not Jewish by birth must agree to live in strict, Orthodox observance of Jewish law. If the couple chooses to do this, then they can expect to be periodically checked and reassessed by religious authorities to

82. *Id.*

83. Ira Rifkin, *Dispute Threatens Judaism*, PLAIN DEALER, Mar. 29, 1997, at 5E.

84. See Gellman, *supra* note 18, at A23.

85. Dan Izenberg, *Caught in the Middle*, JERUSALEM POST, Apr. 4, 1997, at 11.

86. Gellman, *supra* note 18, at A23.

87. See *id.*

88. *Id.* Even if one were to seek an Orthodox conversion, the process is slow. Since the Russian immigration wave began, the Rabbinat has performed only 400 a year, on average. At that rate, it would take 250 years to convert all of the immigrants. *Id.*

89. Franklin, *supra* note 19, at C4.

ensure that they are complying with the religious requirements.⁹⁰ This creates a *de facto* situation in which only Orthodox Jews can adopt children in Israel.⁹¹ Burial is another problem created by Israel's approaches to different religions. Until recently, non-Orthodox Jews could not be buried in Jewish cemeteries with Jewish burial services. Now, a non-Jew who chooses to live among Jews may be buried in a special section of a Jewish cemetery, beside Jews whose lineage is unclear.⁹² This, however, is still not an ideal solution for the thousands of Russian Jews who consider themselves Jewish, but are still denied the right to be buried in the same Jewish cemeteries as Israelis.⁹³

A controversial conversion bill introduced in the Knesset is strong evidence that the new Russian immigration, and the changes that it brought to Israel, have caused the Orthodox establishment to attempt to tighten its control. In early April 1997, the Knesset approved a conversion bill that would have given Orthodox rabbis sole authority to conduct conversions to Judaism in Israel. Although, in practice, non-Orthodox conversions are not officially recognized, this bill would have enshrined Orthodox power into law, thereby affecting thousands of Russian immigrants.⁹⁴ In addition to the local implications of the bill, which would have affected tens of thousands of Russian immigrants, it also would have driven a deep wedge between Orthodox Jews and Reform and Conservative Jews worldwide.⁹⁵ The bill, however, never became law. In June 1997, leaders of the Orthodox and Progressive movements signed an agreement with the government. The Orthodox groups agreed to freeze the legislation while the Progressive groups agreed to drop a Supreme Court petition challenging Orthodox rabbis' control over marriages, divorces, adoptions, and burials. Prime Minister Netanyahu formed a commission to find a long-term compromise. Proposed legislation is scheduled to be presented to the Knesset in September 1997.⁹⁶

Although there have been arguments that the immigrants ought to just comply with the Orthodox conversion status quo, even an official Orthodox

90. Emanuele Ottolenghi, *People, Not Money, Will Blunt Israeli Orthodoxy*, NEWSDAY, Apr. 4, 1997, at A50.

91. Reuven Hammer, *A Possibly Permanent Blight*, JERUSALEM POST, June 16, 1997, at 6.

92. Haim Shapiro, *Non-Jews Can Be Buried in Jewish Cemeteries*, JERUSALEM POST, Sept. 18, 1997, at 20.

93. See *An Avoidable Burial Dispute*, JERUSALEM POST, Aug. 6, 1997, at 6.

94. Joel Greenberg, *Orthodox Conversion Bill Gains in Israel*, N.Y. TIMES, Apr. 2, 1997, at A6.

95. David Horowitz, *Deep Division in World Jewry Could Result if Israeli Legislation is Approved*, IRISH TIMES, Apr. 2, 1997, at 9.

96. *Compromise Signed in Israel's "Who's a Jew" Battle*, AGENCE FR. PRESSE, June 22, 1997.

conversion does not grant equal status to a convert in all respects. For example, a *cohen*, or member of the priestly caste, may not marry a convert. Likewise, a born Jew cannot marry the offspring of adulterous or incestuous relationships, while a convert can. This is because “the congregation of converts is not considered a congregation.”⁹⁷ A convert is also precluded from holding certain public offices in Israel—such as a judge on the Rabbinical Court. These distinctions illustrate that Jewish law, as it presently stands, establishes a questionable legal position for a convert, thus affecting his or her prestige in the community.⁹⁸

CONCLUSION

Although the State of Israel embraces Jewish people from around the globe and encourages Jewish *aliya*, it also relegates those people who are not Orthodox Jews to a “second-class” Jewish status once they arrive in Israel. The recent mass immigration wave from Russia, and the changes that have been brought with it, has pushed this issue to the forefront of Israeli religious and political debate. Because of the size and distinct nature of the new immigrants, Israel can no longer avoid answering the question “who is a Jew”. The rights and privileges of hundreds of thousands of Russian immigrants hang in the balance. Moreover, the Russian immigration wave has caused Israel to question its immigration policy in general. Can Israel remain both a Jewish State with Zionist principles and a nation of immigrants? While many people believe that Russian immigration is causing the breakdown of the Jewish State, still others believe that Israel is simply facing a new national ethos. If this is true, then the apparent lack of identification with the State perceived in the new Russian immigrants is not a rejection of Israeli ideals, but is merely an identification with the western world to which they assume Israel belongs.⁹⁹

97. Jacob Chinitz, *Not So Equal*, JERUSALEM POST, July 16, 1997, at 6.

98. *See id.*

99. *See Coat of Many Colours*, *supra* note 24, at 14.

