
Part 4: Modern Jewish History

The 1948-1949 Debate over the Establishment of Jerusalem as the Capital of the Emergent State of Israel

I) HISTORICAL CONTEXT

Timeline of Sovereignty over Jerusalem

Biblical Israel/Judah

- 1000 BCE - **King David** Conquers Jerusalem; Declares City Capital of Jewish Kingdom
- 960 BCE - David's Son, **King Solomon**, Builds First Temple
- 701 BCE - Assyrian Ruler **Sennacherib** Lays Siege to Jerusalem
- 586 BCE - Babylonian Forces Destroy Jerusalem and Demolish First Temple

Persian Period (539-322 BCE)

- 539 BCE - Persian Ruler **Cyrus the Great** Conquers Babylonian Empire, Including Jerusalem
- 516 BCE - Cyrus Permits Jews in Babylonian Exile to Return to Jerusalem; Second Temple Built
- 445-425 BCE - **Nehemiah** the Prophet Rebuilds the Walls of Jerusalem; City Confined to Eastern Hill

Hellenistic Period (332-141 BCE)

- 332 BCE - Greek Leader **Alexander the Great** Conquers Judea and Jerusalem
- 332-141 BCE - Ptolemaic and Seleucid Rule in Jerusalem

Hasmonean Period (141-37 BCE)

- 141 BCE - **Hasmonean Dynasty** Begins; Jerusalem Again Expands Limits to Western Hill
- 63 BCE - **Roman General Pompey** captures Jerusalem

Herodian Period (37 BCE - 70 CE)

- 37 BCE - **King Herod** Restructures Second Temple, Adds Retaining Walls
- 30 CE - **Jesus** Crucified by Romans in Jerusalem

Roman Period (70 - 324 CE)

- 70 CE - Roman Forces Destroy Jerusalem and Demolish Second Temple

- 135 CE - Jerusalem Rebuilt as a Roman City named "Aelia Capitolina"

Byzantine Period (324-638 CE)

- 335 CE - Church of the Holy Sepulchre Built
- 614 CE - Persians Capture Jerusalem
- 629 CE - Byzantine Christians Recapture Jerusalem from Persians

First Muslim Period (638-1099 CE)

- 638 CE - **Caliph Omar** Enters Jerusalem
- 661-750 CE - Jerusalem Ruled Under Umayyad Dynasty
- 691 CE - Dome of the Rock Built on Site of Destroyed Jewish Temples
- 750-974 CE - Jerusalem Ruled Under Abassid Dynasty

Crusader Period (1099-1187 CE)

- 1099 CE - First Crusaders Capture Jerusalem
- #### *Ayyubid Period (1187-1259 CE)*
- 1187 CE - Saladin Captures Jerusalem from Crusaders
 - 1229-1244 CE - Crusaders Briefly Recapture Jerusalem Two Times

Mamluk Period (1250-1516)

- 1250 - Muslim Caliph Dismantles Walls of Jerusalem; Population Rapidly Declines

Ottoman Period (1516-1917)

- 1517 - Ottoman Empire Captures Jerusalem
- 1538-1541 - Suleiman the Magnificent Rebuilds the Walls of Jerusalem

British Mandate (1917-1948)

- 1917 - British Capture Jerusalem in World War I

Divided City (1948-1967)

- 1948 - State of Israel Established; Jerusalem Divided By Armistice Lines Between Israel & Jordan

Reunification (1967-Present)

- 1967 - Israel Captures Jerusalem's Old City and Eastern Half; Reunites City

II) JERUSALEM IN “HATIKVAH”



“Hatikva” based on Poem by Naftali Herz Imber (1856-1909) (1)

As long as in the heart within,
A Jewish soul still yearns,
And onward, towards the ends of the east,
an eye still gazes toward Zion;

כָּל עוֹד בְּלִבְךָ פְּנִימָה
נֶפֶשׁ יְהוּדִי הוֹמֶמָה
וּלְפָאֵתֵי מִזְרַח קְדִימָה
עֵינֹ לְצִיּוֹן צוֹפֶיָה

Our hope is not yet lost,
The hope two thousand years old,
To be a free nation in our land,
The land of Zion and Jerusalem.

עוֹד לֹא אֶבְדָּה תְּקוּמָתִי
הַתְּקוּהָ בֵּת שְׁנוֹת אֲלָפִים
לְהִיּוֹת עַם חֲפָשִׁי בְּאַרְצֵנוּ
אֶרֶץ צִיּוֹן וִירוּשָׁלַיִם

Imber’s Original Text of the Refrain (1877) (2)

Our hope is not yet lost,
The ancient hope,
To return to the land of our fathers,
The city where David encamped.

עוֹד לֹא אֶבְדָּה
תְּקוּמָתִי,
הַתְּקוּהָ הַנּוֹשְׁנָה,
לְשׁוּב לְאֶרֶץ אֲבוֹתֵינוּ,
לְעִיר בַּה דָּוִד חָנָה.



3) First Section of UN GA Resolution 181 Concerning Partition of Palestine (Adopted 11/29/1947)

PART I

Future constitution and government of Palestine

A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948. [...]
2. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in parts II and III below. [...]

PART III

City of Jerusalem

A. SPECIAL REGIME

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

4) Israeli-Jordanian Armistice Agreement (Signed 4/3/1949)

(Article VIII, Sec. 2)

The Special Committee shall be organised immediately following the coming into effect of this Agreement and shall direct its attention to the formulation of agreed plans and arrangements for such matters as either Party may submit to it, which, in any case, shall include the following, on which agreement in principle already exists: free movement of traffic on vital roads, including the Bethlehem and Latrun-Jerusalem roads; resumption of the **normal functioning of the cultural and humanitarian institutions on Mount Scopus and free access thereto; free access to the Holy Places and cultural institutions and use of the cemetery on the Mount of Olives;** resumption of operation of the Latrun pumping station; **provision of electricity for the Old City;** and resumption of operation of the railroad to Jerusalem.

5) David Ben-Gurion – Knesset Speech (12/5/1949)

As you know, the U.N. is currently discussing the issue of Jerusalem and the holy places. The State of Israel is a member of the U.N., not because of political convenience but because of its traditional, deep-seated commitment to the vision of world peace and the brotherhood of nations, as preached by our prophets and accepted by the U.N.

This membership obliges us, from the podium of Israel's First Knesset, to tell all the nations assembled at the U.N. and all those who love peace and justice in the world what has been in Israel's heart since it became a united nation under King David three thousand years ago as regards Jerusalem its holy city and as regards its attitude to the places which are holy to the other religions

When we proclaimed the establishment of the renewed State of Israel, on 14 May 1948, we declared that, "The State of Israel will guarantee freedom of religion and conscience, of language, education and culture. It will safeguard the Holy Places of all religions. It will be loyal to the principles of the United Nations Charter." Accordingly, our delegation to the U.N. announced that Israel would honor all the existing rights regarding the holy places and sacred buildings in Jerusalem, assure freedom of worship and free access to all the holy sites under its control, recognizing the rights of pilgrims of all religions and nations to visit their holy places and assuring freedom of movement for clergymen. We agreed to allow effective U.N. supervision of the holy places and the existing rights in a way that would be agreed to between Israel and the United Nations.

At the same time we see fit to state that Jewish Jerusalem is an organic, inseparable part of the State of Israel, just as it is an integral part of Jewish history and belief. Jerusalem is the heart of the State of Israel. We are proud of the fact that Jerusalem is also sacred to other religions, and will gladly provide access to their holy places and enable them to worship as and where they please, cooperating with the U.N. to guarantee this.

We cannot imagine, however, that the U.N. would attempt to sever Jerusalem from the State of Israel or harm Israel's sovereignty in its eternal capital.

Twice in the history of our nation were we driven out of Jerusalem, only after being defeated in bitter wars by the larger, stronger forces of Babylon and Rome. Our links with Jerusalem today are no less deep than in the days of Nebuchadnezzar and Titus Flavius, and when Jerusalem was attacked after the fourteenth of May 1948, our valiant youngsters risked their lives for our sacred capital no less than our forefathers did in the time of the First and Second Temples.

A nation that, for two thousand and five hundred years, has faithfully adhered to the vow made by the first exiles by the waters of Babylon not to forget Jerusalem, will never agree to be separated from Jerusalem. Jewish Jerusalem will never accept alien rule after thousands of its youngsters liberated their historic homeland for the third time, redeeming Jerusalem from destruction and vandalism.

We do not judge the U.N., which did nothing when nations, which were members of the U.N., declared war on its resolution of 29 November 1947, trying to prevent the establishment of Israel by force, to annihilate the Jewish population in the Holy Land and destroy Jerusalem, the holy city of the Jewish people.

Had we not been able to withstand the aggressors who rebelled against the U.N., Jewish Jerusalem would have been wiped off the face of the earth, the Jewish population would have been eradicated and the State of Israel would not have arisen. Thus, we are no longer morally bound by the U.N. resolution of November 29, since the U.N. was unable to implement it. In our opinion the decision of 29 November regarding Jerusalem is null and void.

The attempt to sever Jewish Jerusalem from the State of Israel will not advance the cause of peace in the Middle East or in Jerusalem itself. Israelis will give their lives to hold on to Jerusalem, just as the British would for London, the Russians for Moscow and the Americans for Washington.

This is the first time in this country's history that the state controlling Jerusalem willingly accepts the principle of the international supervision of the holy places. It is no coincidence that it is being done by the nation that made Jerusalem an internationally sacred center and by the first government elected by the inhabitants of Jerusalem.

We hope that the religions which honor Jerusalem's sanctity and the nations which share our belief in the principles of peace and justice will honor Israel's rights in Jerusalem, just as Israel honors those of all the religions in its sacred capital and sovereign state.

6) UN General Assembly Resolution 303 (Adopted 12/9/1949)

The General Assembly,

Having regard to its resolutions 181(II) of 29 November 1947 and 194(III) of 11 December 1948,

Having studied the reports of the United Nations Conciliation Commission for Palestine set up under the latter resolution,

I. Decides in relation to Jerusalem,

Believing that the principles underlying its previous resolutions concerning this matter, and in particular its resolution of 29 November 1947, represent a just and equitable settlement of the question,

1. To restate, therefore, its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem, and to confirm specifically the following provisions of General Assembly resolution 181(III):

(1) The City of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations; [...]

2. To request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Statute of Jerusalem (T/118/Rev. 2), omitting the now inapplicable provisions, such as articles 32 and 39, and, without prejudice to the fundamental principles of the international regime for Jerusalem set forth in General Assembly resolution 181(II) introducing therein amendments in the direction of its greater democratisation, approve the Statute, and proceed immediately with its implementation. The Trusteeship Council shall not allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem; [...]

7) David Ben-Gurion – Knesset Speech (12/13/1949)

One week ago this day, in the name of the Government of Israel, I made a statement on Jerusalem before the Knesset. I need hardly say to you that this statement retains its full force, and that no change in our attitude has occurred or can possibly occur.

As you know, the General Assembly of the United Nations has in the meantime, by a large majority, decided to place Jerusalem under an international regime as a separate entity. This decision is utterly incapable of implementation - if only for the determined unalterable opposition of the inhabitants of Jerusalem themselves. It is to be hoped that the General Assembly will in the course of time correct this mistake which its majority has made, and will make no attempt whatsoever to impose a regime on the Holy City against the will of its people.

We respect and shall continue to respect the wishes of all those States which are concerned for freedom of worship and free access to the Holy Places, and which seek to safeguard existing rights in the Holy Places and religious buildings in Jerusalem. Our undertaking to preserve these rights remains in force, and we shall gladly and willingly carry it out, even though we cannot lend ourselves to take part in the enforced separation of Jerusalem, which violates without need or reason the historic and natural right of the people which dwells in Zion.

From the very first days of the Provisional Government we made the peace, the security and the economic consolidation of Jerusalem our principal care. In the stress of war, when Jerusalem was under siege, we were compelled to establish the seat of Government in Hakiryia by Tel Aviv. But for the State of Israel there has always been and always will be one capital only - Jerusalem the eternal. So it was three thousand years ago - and so it will be, we believe, until the end of time.

As soon as the fighting stopped, we began transferring government offices to Jerusalem and creating the conditions the capital needed - effective communications, economic and technical arrangements. We are continuing with the transfer of the Government to Jerusalem and hope to complete it as soon as possible.

When the first Knesset was opened in Jerusalem on the 14th February 1949, there were no adequate facilities for its normal functioning in the capital, and it was necessary to transfer its sessions temporarily to Tel Aviv. The required arrangements in Jerusalem are on the verge of completion, and there is nothing now to prevent the Knesset from returning to Jerusalem. We propose that you take a decision to this effect.

In all these arrangements there is, of course, nothing that alters in the slightest degree any of the existing rights in the Holy Places, which the Government of Israel will respect in full, or our consent to effective supervision of these Holy Places by the United Nations, as our delegation to the General Assembly declared.

8) UN Trusteeship Council (12/20/49)

Resolution adopted by the Trusteeship Council at
the eighth meeting on Tuesday 20 December 1949

The Trusteeship Council,

Concerned at the removal to Jerusalem of certain ministries and central departments of the Government of Israel,

Considering that such action ignores and is incompatible with the provisions of paragraph II of General Assembly resolution 303 (IV) of 9 December 1949.

1. Is of the opinion that the action of the Government of Israel is likely to render more difficult the implementation of the Statute of Jerusalem with which the Council is entrusted by the General Assembly resolution of 9 December 1949; [...]

9) Abba Eban to the UN General Assembly (12/30/1949)

[...] My Government believes that it had full and complete authority for deciding upon the measures announced in the Knesset on the 17th of December 1949. These measures mark the continuation of a process begun long ago as part of an effort to restore Jerusalem to its traditional place in the life of the country. It will be recalled that the highest organs of the State of Israel, the Presidency and the Knesset, were founded and instituted in Jerusalem early in 1949, even before Israel's admission to membership in the United Nations. The Supreme Court of Israel has always sat in Jerusalem, and several Ministries have been working in the city for months past. My Government, therefore, fails to understand the grounds for the opinion expressed in the Trusteeship Council's resolution that the "removal of certain ministries and central departments to Jerusalem ... is likely to render more difficult the implementation of the statute of Jerusalem" referred to in the General Assembly Resolution of the 9th of December 1949. The summary records of the Trusteeship Council's debates do not include any indication of how the working of a number of additional ministries in Jerusalem can affect the difficulties of implementing the Statute - difficulties which, in any event, the Government of Israel believes to be inseparable.

10) 104th Congress, US Public Law 45 (Passed 10/24/95; Effective 11/8/95)

SEC. 2. FINDINGS.

The Congress makes the following findings:

- (1) Each sovereign nation, under international law and custom, may designate its own capital.
- (2) Since 1950, the city of Jerusalem has been the capital of the State of Israel.
- (3) The city of Jerusalem is the seat of Israel's President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.
- (4) The city of Jerusalem is the spiritual center of Judaism, and is also considered a holy city by the members of other religious faiths.
- (5) From 1948-1967, Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan.
- (6) In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War.
- (7) Since 1967, Jerusalem has been a united city administered by Israel, and persons of all religious faiths have been guaranteed full access to holy sites within the city [...]
- (15) The United States maintains its embassy in the functioning capital of every country except in the case of our democratic friend and strategic ally, the State of Israel.
- (16) The United States conducts official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel.
- (17) In 1996, the State of Israel will celebrate the 3,000th anniversary of the Jewish presence in Jerusalem since King David's entry.

SEC. 3. TIMETABLE.

- (a) Statement of the Policy of the United States.--
 - (1) Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected;
 - (2) Jerusalem should be recognized as the capital of the State of Israel; and
 - (3) the United States Embassy in Israel should be established in Jerusalem no later than May 31, 1999. [...]

SEC. 7. PRESIDENTIAL WAIVER.

- (2) The President may suspend such limitation for an additional six month period at the end of any period during which the suspension is in effect under this subsection if the President determines and reports to Congress in advance of the additional suspension that the additional suspension is necessary to protect the national security interests of the United States.