

Reunification of Jerusalem

Introduction

The reunification of Jerusalem was perceived as the culmination of the Six Day War throughout the world, not only in Israel, and by Jews everywhere, for whom the renewed access to the Western (Wailing) Wall was of supreme importance. It brought to the fore the question of the status of East Jerusalem. Whereas the Government of Israel was content to administer all other newly-acquired territories under military law, de facto within the context of the Geneva Convention, in the case of Jerusalem it was anxious to make it clear that the reunification was irreversible. At the same time, it was eager to avoid international complications, as far as possible. It was decided, therefore, to effect the incorporation of East Jerusalem into the territory of the state by means of an enabling law—an amendment to the Law and Administration Ordinance, a leftover from Mandatory times, accompanied by a corresponding Government declaration. The amendment was presented to the Knesset together with a new law concerning the holy places and proposing heavy penalties for violators of their sanctity. For the first time, three Cabinet members shared the Knesset podium in presenting legislation, whose thrust was to make the status of East Jerusalem, including the Old City, equal with that of the rest of the city, as an integral part of the sovereign territory of Israel.

Sitting 188 of the Sixth Knesset

27 June 1967 (19 Sivan 5727)

The Law and Administration Ordinance (Amendment No. 11) Law, 5727-1967

The Minister of Justice, J.S. Shapira: Mr. Speaker, distinguished Knesset...the Government is bringing three bills before the House today, which together form three layers of the legislative edifice....What needs to be determined...after our victory over those who sought to destroy Israel...is that the IDF has liberated considerable, though not necessarily contiguous, sections of the Land of Israel from the yoke of foreigners....The juridical view of the State of Israel, which has always been an organic reflection of actual political facts, was based on the principle that the jurisdiction, law and administration of the state apply

to those parts of the Land of Israel which are actually under the control of the state.

It is the Government's view that...in addition to the IDF's control, an act of sovereignty from the state is required so that Israeli law will apply to territory of this kind....Consequently, the Government proposes that the Knesset pass the law I am bringing before you, whereby the jurisdiction, law, and administration of the state will apply to any part of the Land of Israel which the Government so designates....The Government shall be entitled to issue ordinances from time to time determining the areas to which the jurisdiction, law and administration of the state shall apply....

Municipalities Ordinance (Amendment No. 6) Law, 5727-1967

The Minister of the Interior, I.S. Ben-Meir: Mr. Speaker, Knesset Members, one of the bases of a democratic society like Israel is the municipalization of all areas included within the territory of the state and to which the laws of the state apply. Most of the country has already been fully municipalized...enabling services to be provided to the inhabitants....

If alongside a municipal body there is territory which is not under the jurisdiction of any other municipal authority, under existing law, before the Minister of the Interior decides to incorporate that area he must appoint a committee of investigation to examine the situation and make its recommendations....If the bill the Minister of Justice has brought before us is passed, these areas may remain without any municipal jurisdiction. It is advisable that municipal jurisdiction be established with all possible speed, so that the inhabitants of these areas do not suffer from the lack of services. This will also bring normalization to this area....This bill will also empower the Minister of the Interior to expand the Municipal Council by appointing members to it from among the inhabitants of the area concerned....

Protection of Holy Places Law, 5727-1967

The Minister of Religions, Z. Warhaftig: Distinguished Speaker and Knesset, the Land of Israel is the Holy Land and contains sites which are sacred to all the monotheistic religions....For the Jewish people the entire country is sacred, though some places are particularly so....Jerusalem, with the Western Wall at its center, is especially sacred to us....The Land of Israel also contains sites which are sacred to all the streams of Christianity and to Islam....

Respect for and protection of holy places is the duty of every civilized nation...and is part of the glorious tradition of the Jewish people and the State of Israel....During the nineteen years of the revival of the State of Israel...we have demonstrated our deep concern for the welfare of places holy to all the religions....The Government's policy regarding the holy places is based on three principles: a. the places holy to all the religions will be assured of protection from desecration and from anything likely to violate the feelings of the members of the religions to whom those places are holy; b. the members of all religions, wherever they may be, will be assured of freedom of access to the places which are sacred to them....Borders should not prevent people from sincerely observing the precepts of their religion; c. the internal administration of the holy places should be undertaken by the responsible authority of the religion to which the place is sacred. The Government wishes to give greater force to that policy by passing the law before you, so that in us may be fulfilled the words of Isaiah: "Even them will I bring to my holy mountain, and make them joyful in my house of prayer; their burnt offerings and sacrifices shall be accepted upon mine altar; for mine house shall be called a house of prayer for all people."

M. Porush (Aguda): Mr. Speaker, distinguished Knesset, nine generations ago my forefathers came to Jerusalem, the Holy City, constituting part of the ten first families to return to the Holy City after the destruction of the Temple. In the light of our collective memory of living under foreign rule—first of the Turks and then of the British—this law takes on a special significance....Who among us dreamed even a month ago that Israel's sovereignty would extend over the entire Holy Land, the holy places, including the graves of our ancestors and all of Jerusalem, the Holy City, including the remnant of our Temple, the Western Wall....Just as we have reached this great day, we hope and pray for the great day of the coming of the Messiah, and until that day comes we will watch and guard the sanctity of the Temple Mount, not wishing to arouse dissent at this glorious time....

We say to you, Members of the Knesset, let us not be drunk with victory. Let us preserve our uniqueness, the uniqueness of Jerusalem. For us Jerusalem is not a town like any other, a capital like any other. For the Law shall go forth from Zion, and the word of the Lord from Jerusalem. Jerusalem will be a beacon to the nations of the world....Jerusalem is unique in its sanctity. We must not violate the purity of its sanctity and splendor.

We ask you to be careful in preserving the sanctity of the holy places. Why should not buildings in the Old City which were formerly owned by Jewish religious institutions be returned to them, just as Mount Scopus was returned to Hadassah and the University? We should remember our brethren who fell in the war to liberate Jerusalem and the rest of Israel. There can be no consolation for the bereaved fami-

lies...may God comfort you....We hope and pray that Jerusalem and the entire Jewish people will be blessed with peace, as our prophets have prophesied....

E. Shostak (Free Center): Mr. Speaker...the Area of Jurisdiction and Authorities Ordinance of 1948 states that every law which applies to the entire State of Israel will be regarded as also applying to...any part of the Land of Israel which the Minister of Defense defines by proclamation as being controlled by the IDF, and that any person or group of people empowered by law to act or serve within the entire State of Israel will be regarded as being empowered to do so also...in any part of the Land of Israel which the Minister of Defense defines by proclamation as being controlled by the IDF. By virtue of that ordinance the State of Israel has the authority to act within these territories if the Minister of Defense issues the required proclamation. Why, then, is the bill before us needed...?

I regret to say that it is my feeling that the object of this bill is merely to exclude all the municipalities and areas currently controlled by the IDF from the area of jurisdiction of the State of Israel, since by means of a proclamation issued by the Minister of Defense we could extend every authority to those areas....The bill derives from a sense of guilt or fear....Why do we have to justify ourselves or be apprehensive? Just imagine what would have happened if, God forbid, those blood-thirsty barbarians who sought to destroy us had been victorious. We are acting by virtue of our right to liberate parts of the Land of Israel by the IDF...and by law we are empowered to enforce that authority. Does not this bill indicate that we do not intend to extend all our authority to all the territories?

...Only today the Prime Minister of Israel said that he did not exclude the possibility of mediation by the U.S. and other countries. All the time we have heard that we are prepared for discussions solely within the framework of direct negotiations...and now the Prime Minister has said something quite different....Others speak of Arab autonomy in the West Bank, and yet others of federations....I have not yet heard a single Minister say that we will not give up any area...with or without a peace treaty....

The Prime Minister says that he is prepared to hold negotiations even with Nasser. I fail to understand how a Prime Minister of Israel can say a thing like that at a time like this....Should we encourage Nasser...and save his skin and his standing in the world? Would the Allies have considered negotiations with Hitler after his military defeat? Thus, everyone talks, and how, but the Members of the Knesset are expected to keep quiet.

The Knesset must make it absolutely clear that we have every intention of extending the authority of Israel's legislation to the entire area of the liberated Land of Israel....The proposed law means that each case

will be decided individually by the Minister....Although it is difficult to propose returning the bill to the Government, it is our national duty to state that if the Government of Israel is thinking about not applying Israel's legislation to all the liberated areas it will be acting in contradiction to the will of the entire nation, that it does not represent the Israeli nation in this, which has and will shed its blood and was about to be destroyed....

To date I have not seen the Minister of Defense's proclamation which, in accordance with his powers, should have been issued some time ago. We did it in 1948. We did it in 1956, but we have not done it now, when we needed it. Consequently...we must warn you not to interpret this law in such a way as to make it possible to exclude areas from the jurisdiction of the State of Israel. Only if the Government states explicitly that it intends to extend its authority to all the areas currently controlled by the IDF can we regard the bill before us as representing a trend which is desirable for the nation at this point, and vote for it.

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S. Mikunis (Maki): Distinguished Speaker and Knesset, Jerusalem, Israel's ancient capital, the city which is sacred to the three religions, was split nineteen years ago in the wake of the 1948 war, when the Jewish Yishuv had to fight for its defense and independence. The splitting of Jerusalem, this historic city, caused grief to our nation as well as to the Arab nation, and, one might add, to many nations throughout the world. Apart from the fact that during those nineteen years the Jordanian Government deprived the Jewish inhabitants of Israel of access to the Western Wall and other historic sites, the walls of the Old City often served as points whence attacks were launched and sniping directed against Jewish Jerusalem by the Arab Legion. As you know, on the morning of June 5, heavy shelling was directed at Jewish Jerusalem from positions in the Old City, despite the Prime Minister's statement that Israel had no intention of harming Jordan if it stayed out of the war against Israel....

The conquest of the Old City and its environs by the IDF constituted an integral part of Israel's war of defense and survival....Equally, however, the problem of the Old City is part of the overall problem confronting Israel after its military victory over Egypt, Jordan and Syria, namely, the problem of victory on the political front, the peace front....The assurance of peace and security was the avowed aim of the war which was forced upon us....The Israeli nation, the Jews of the diaspora, and world public opinion which supports Israel...expect Israel's battle for peace to be conducted as vigorously, responsibly and intelligently as the military campaign....

The two bills—with the exception of the Protection of Holy Places Law—which have been brought before the Knesset with such strange haste, in effect give the Government the right to annex territory. This

applies not only to the Old City of Jerusalem, which is their main aim, but to other towns too. This constitutes empowering the Government, without consulting or considering the other side, to take a unilateral step, which involves several dangers. Quite apart from this, it is possible and necessary to extend municipal services to the Old City of Jerusalem. Both bills...contradict the Israeli nation's objective of peace, will only benefit the campaign being conducted against Israel by Arab chauvinism...and may rouse other, formerly friendly, forces against us....

Israel's objective in embarking on the military campaign was not territorial conquest and annexation but the assurance of peace and our national existence and future. The vast majority of the Israeli public regards the occupation of the conquered territories as a temporary stage in the process of the struggle for a permanent peace which will benefit both sides...as statements made by various Ministers have demonstrated....

Our nation, which wants peace, senses that this can be achieved on an agreed basis, by doing justice to both sides, by assuring the just rights of both the Israeli and the Arab nations, without dictates on one side or surrender on the other....Any attempt to circumvent that, or to create a fait accompli which undermines peace, pierces the heart of the nation and prevents it from attaining peace and security....The nation entreats its elected representatives to see the situation as it really is. The nation wants us to do everything we can to turn relations of hostility between Arabs and Israelis into those of friendship and peace. We must not allow ourselves to be carried away by elation and must weigh our steps carefully....For these reasons we must reject the two bills before us, which seek to legalize the annexation of the Old City of Jerusalem....

U. Avneri (Ha'Olam HazeH-Ko'ah Hadash): Distinguished Speaker and Knesset, the nation wants the unification of Jerusalem. I support the unification of Jerusalem. We thank the soldiers who fought valiantly to conquer the city. We thank the Government which gave the order at the crucial moment....Nevertheless, I doubt whether this is the appropriate way to implement the administrative unification of Jerusalem....It is no secret that my colleagues and I support the unification of the country within the framework of a federation between the State of Israel and the Arab state which will be established in the West Bank and Gaza and whose natural capital will be united Jerusalem, as part of the State of Israel....But the way in which these bills have been brought before the Knesset precludes the possibility of a frank and open debate of the fundamental and crucial issues facing the nation and deprives the Knesset of its true function...limiting the discussion of the issues to the Government....

This was not why we voted for the National Unity Government...not that we regret having done so now....At the moment the military censorship, which is under the authority of the Minister of Defense, is preventing any mention in the press of the differences of opinion within the Government....I support the content of these bills as regards Jerusalem and will vote for them, but I would like to express my reservations regarding the way this has been done...without a proper debate in the Knesset...and while determining a fait accompli in Jerusalem....We maintain that this approach does not hold for the other areas. Although the Land of Israel has been mentioned, I am not sure what this comprises by law. I know what it comprises as regards national and historic consciousness. But what about the Sinai Peninsula and the Syrian Heights? All these subjects should be discussed....

The Minister of Justice, J.S. Shapira: Mr. Speaker, distinguished Knesset, I fully agree with MK Mikunis that the war should culminate with peace treaties without any dictates. I appreciate his position in view of the opposition of the majority of the Communist movement to this important and elementary idea....It was interesting to hear that...the Knesset does not represent the nation. One needs considerable audacity to tell 120 Knesset members that a tiny minority is unable to support the Government—which currently represents over ninety percent of the House—because the latter does not have the confidence of the majority of the nation....Why does MK Shostak prefer a proclamation issued by the Minister of Defense to a bill which requires the sanction of the entire Government...? Does this not make us a democratic and organized state...? One of the overriding aims of a National Unity Government in a time of emergency is to enable it to come to the Knesset backed by the support of ninety percent of the nation....I would like to tell MK Avneri that we are at war—formerly it was military and now it is political—with enemies who have no recourse to parliamentary debates, or even governmental consultations, and where there is no freedom of the press....Do you think we can allow ourselves that luxury...? There is a general consensus that this debate should be held *in camera*, as the Basic Law: the Knesset empowers us to do. What right do you have to complain if Government sessions where matters of the life and survival of the state are discussed are held *in camera*?

I therefore request that the three bills before you be transferred to the appropriate committees....

(The three bills are transferred to the Constitution, Law and Justice Committee, the Internal Affairs Committee and the Constitution, Law and Justice Committee, respectively.)

Arrangements for Appropriate Behavior at Holy Places

Introduction

The administration of and conduct at holy places is relevant not only to the relations between Israel and non-Jews, but is also of concern to Israel's Jewish citizens, whose ideas on the subject are not necessarily identical. One such example follows.

Sitting 191 of the Sixth Knesset

4 July 1967 (26 Sivan 5727)

S. Lorincz (Aguda): Madam Speaker, distinguished Knesset, among the many gifts which the good Lord has bestowed on us as a result of our brilliant victory, the holy places take pride of place....Millions of Jews in Israel and the world over blessed the Lord for having preserved us in life till this day, when we can go and pray at the Western Wall, the Cave of Machpelah, Rachel's Tomb and the other holy places. Obviously, the fact that the holy places are once more in our hands places certain obligations upon us, obligations which are pleasant and sacred....

The Jewish people, which has given the somewhat strange and irrational concept of "sacred" to the world, has always known...how to treat things and places which are holy. It is a fact that in the battle for the liberation of the Old City the IDF increased the danger to our heroic soldiers—with the resultant casualties—rather than damage the holy places there, in contrast to our enemies, who made use of the holy places in their war against us....

We must examine how our forefathers treated holy places so that we may know how to behave there....I am glad to say that I am absolutely convinced that no Jew would want to deliberately violate the sanctity of the holy places or offend the feelings of religious Jews....This has been proved both by the Knesset's unanimous adoption of the Protection of Holy Places Law last week and by the apologies proffered by visitors to those sites whose improper dress was pointed out to them....The problem is, however, that because people have not been educated correctly they do not know what appropriate behavior is. That is why all the information channels, including the Knesset, must be utilized, to ensure that the general public knows what is and is not permitted at holy places. I congratulate the Minister of Religions on the efficiency with which he has issued regulations on this subject....I think, however, that in order to