

S T A T E M E N T

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T H E C O U N C I L O F T H E A S H K E N A S I C
J E W I S H C O M M U N I T Y
J E R U S A L E M

Presented to

UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE

Jerusalem

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The Orthodox Jewish Community of Jerusalem which is organised as the Vaad Hair Ha-Ashkenasi (Council of the Ashkenasic Jewish Community of Jerusalem) has the honour of extending its hearty and respectful welcome to the members of the UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE upon their arrival in the Holy Land on an exalted mission, having been charged by the United Nations with the task of restoring peace and justice in the Holy Land, a country to which the eyes of the peoples of the world are focused. We pray that the Almighty may bestow HIS blessings on your work and councils, may guide you along the right path, may grant you the highest divine intelligence and may crown your work with success.

I N T R O D U C T O R Y

Our Orthodox Community Council being the oldest Council of the Orthodox Community in the Holy Land represents those Jews who are loyal to the Laws of Moses, as handed down from generation to generation. A substantial part of our members are the direct posterity of the original founders of the Jewish Yishuv of many centuries ago. It has the honour of presenting to you the following memorandum which deals with the basic ideas on the Palestine problem and the just demands of that Council which refer in particular to Article 4 of the terms of reference of your Committee as drawn up by the United Nations Organisation, the successor of the defunct League of Nations.

P A R T I

1. The ancient right of the People of Israel to the Land of Israel.

In approaching what is commonly called the Palestine problem and in trying to find a just and suitable solution it is imperative that the history of the Holy Land and its correlation with the Jewish People be viewed in their proper perspective. Indeed from the day onwards on which the Lord said to Abraham: " Arise, walk through the Land, in the length of it and in the breadth, for I will give it unto thee" (Genesis, 13, 17), this country was predestined to be the land of domicile for the

People of Israel. However, this predestination, this divine promise, has its basis but in religion; for only loyalty to HIS Laws and Teachings and fundamental application of that Law in Israel's public and private life will entitle them to the name "People of Israel" and only then can the term "Land of Israel" apply to this Land as it is said: "And ye shall be unto me a kingdom of priests and a holy nation" (Exodus 19, 6) and further: "For thou art a holy people unto the Lord, thy G'd." (Deuteronomy 7, 6). The interrelation between the Land of Israel and the People of Israel rises and falls with the degree and intensity with which they fulfil the Holy Law. Past experience proves that Israel fell easy prey to their enemies whenever they deviated from the path prescribed in the Holy Bible, a fact to which the chapters of the Old Testament bear eloquent evidence. It is this interrelation between the people of Israel and the Land of Israel which makes the fulfilment of certain commandments dependent on the soil of the Holy Land, commandments which cannot possibly be observed in any other country.

2. Unbroken settlement by Jews throughout the ages.

Hence, even after the dispersion, when Israel were scattered to the four corners of the world to atone for their sins and prepare themselves for the great task of being a holy nation and of being fit once again to live in the Land of their Promise, Jews loyal to the tradition of their forefathers have not severed the connections with the Land even for short intervals. Though unable to fulfil all the commandments while residing abroad, particularly those relating to the soil of this Land, they have constantly directed and arranged their prayers with their faces towards the Holy Land in accordance with I Kings 8, 48: "And pray unto thee towards their land".

The best of Israel endeavoured to visit the Holy Land at least once in their lives and at later periods, when transport and traffic connections became easier, these loyal Jews began to return to the Holy Land to live permanently therein in holiness and purity and literally applied the verse (Psalms 102, 14): "For thy

servants take pleasure in her stones and favour the dust thereof."

The relation between the people of Israel and the Land of Israel being an ancient and permanent religious tie, Providence has seen to it that throughout the long history of this Land Jews were never to abandon it entirely until their hold had again improved by the return of the Jews in greater numbers.

3. The early Jewish Communities.

The banishment of Jews from Spain resulted in the re-establishment of such Jews in the Holy Land, which exist to this very day. Almost two hundred years ago orthodox Jews from other European countries began to return in substantial groups and it was then that the first Council of Ashkenasic Jews was set up, laying the foundation for those communities which continued to develop and expand ever since.

4. Good neighbourly relations with other sections of the population

During no period of the immigration of such orthodox European Jews was any opposition offered by the Arab population. On the contrary these Jews were welcomed on account of economic benefits and general progress that accrued to the local inhabitants who had no fear whatsoever of being subjugated. It was common knowledge that these Jews came but for the purpose of fulfilling certain religious requirements and they had no difficulty in establishing mutual trust, and real friendship developed with all sections of the community. That was the time when good neighbourly relations existed between Jews and Arabs and in particular Rabbis and eminent scholars who then lead the Jewish Community were greatly esteemed and honoured by all inhabitants.

5. Palestine under the Mandate.

With the occupation of Palestine by His Britannic Majesty's Forces and after the confirmation of the Mandate over Palestine by the League of Nations, which incorporated the Balfour Declaration of 1917 a new era opened in the history of the Holy Land. We,

Orthodox Jews whose forefathers promoted the development of the Jewish Yishuv throughout the generations, who for many centuries constituted the most important element of the Yishuv in the Holy Land, were always on the very best terms with all sections of the Community. We had hoped that the real purpose of the Mandate would be the promotion of a National Home to which all Jews who lived in the Diaspora might be able to return as their Home Land in order to live here in accordance with the Commandments of the Almighty. It was only upon the first appearance of the Zionist Organisation as a political entity, created in and by the spirit of reform, a spirit to which Orthodox Jewry is so utterly opposed that the idea of the foundation of a Jewish State in the Holy Land was first advanced.

Much trouble and endless bloodshed might have been avoided if the Mandate were to have been applied in the manner hoped for by Orthodox Jewry. If in addition the various Jewish Communities in the country had been organised along traditional lines of truly Jewish Law, by actively applying the Laws of Moses to the public affairs of the Holy Land, we are convinced that the country would have remained at peace and the dangers inherent in prevailing conditions might never have arisen. Moreover, the colossal massacre of millions of our brethren at the hands of Nazism during the second World War might have been averted to a very substantial degree for many of them might have been able to live peacefully in the Holy Land as there would have been not the slightest justification for the limitations of Jewish immigration as have in fact been enforced during the last decade.

However, it is a regrettable fact that a serious blunder was committed at the time by recognising first the leaders of Zionism and then the Jewish Agency as official representation of the Jewish population and by handing the keys of immigration to that body which consists of Zionists and non-Zionists who are united in their opposition to the application of religion to public life and they have succeeded in bringing to this country free-thinking people like themselves who blocked the

way of immigration of myriads of Orthodox Jews. Only after prolonged and forceful representations supported by the Government of Palestine did they agree to issue small numbers of certificates for immigration also to Orthodox Jews. They have thus succeeded in strengthening their position by bringing in elements of the population who were faithful to their aims and ideals and have founded Jewish Communities throughout the country whose very spirit is, contrary to the requirements of Jewish Law and have thereby furthered their hold in the country, by insisting on the creation of a Jewish State therein. This arouse the fear of our Arab neighbours in connection with further Jewish immigration and thus started the determined opposition on the part of the Arabs against Jewish immigration.

6. Palestine as a State.

From the times of King Salomon to our very days the Holy Land was either united with Trans-Jordan or attached to Syria or Turkey. Western Palestine was never a single and independent entity and certainly a part of that cannot possibly constitute an independent state, as envisaged in the various plans that are discussed from time to time.

However, the basic reason for our opposition to an independent Jewish State is that in prevailing circumstances where the officially recognised representation of the Jewish people does not consider the authority of the Holy Law as binding in the public affairs of the Jewish People, there can be no guarantee that the religious needs and requirements of Orthodox Jewry will be observed in the Laws of such a Jewish State and it is contrary to the wishes of G'd to create a Jewish State which will not keep Traditional Jewish Law as the basis of Law in public affairs in the Holy Land.

7. Discriminatory Land Laws.

The discriminatory Land Laws as at present enforced are in open conflict with the principles of the United Nations Charter which demand that there be no discrimination against any race or

creed. The Jews being in Palestine by an ancient historic right which was acknowledged and confirmed in modern times by the terms of the Mandate, there is absolutely no basis in such laws which in any event hamper the economic development of the country as a whole.

8. Summary of Part I

Orthodox Jewry has not the slightest intention of subjugating any section of the population of the Holy Land. We merely demand that the gates of Palestine be opened to all those Jews who have no home and enable them to live here Jewish lives in accordance with the commandments of the Lord. However, in order to avoid the continuation of the untenable position as set out in the last paragraph of section 5 we suggest that the keys of Jewish immigration be placed into the hands of the Government of this country.

We furthermore wish to express our definite opposition to a Jewish State in any part of Palestine which is not based on the principles of Traditional Jewish Law.

We also demand categorically the abolition of the discriminatory Land Laws as at present enforced.