


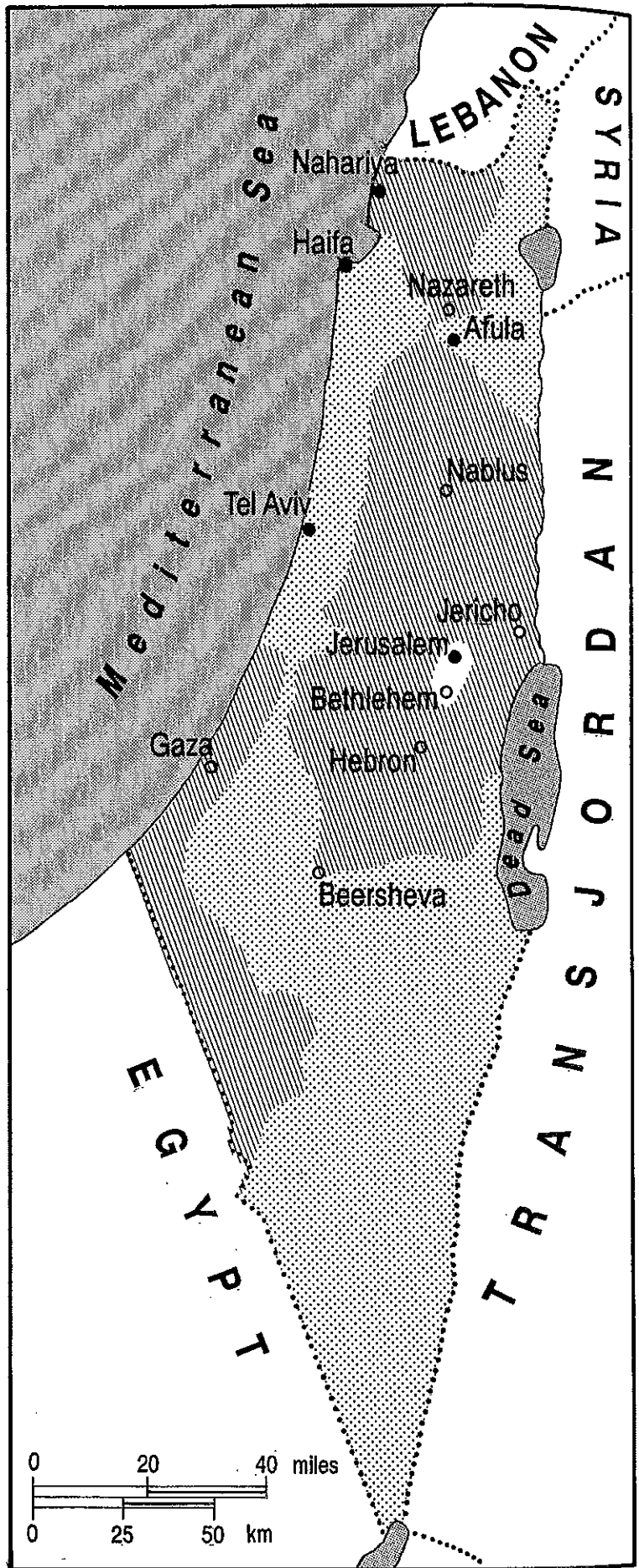


- Jewish state 
- Arab state 
- International zone 



Partition of Palestine, November 29, 1947

A. COHEN

41. Proclamation of the State of Israel (May 14, 1948)¹

The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and national identity was formed. Here they achieved independence and created a culture of national and universal significance. Here they wrote and gave the bible to the world.

Exiled from Palestine, the Jewish people remained faithful to it in all the countries of their dispersion, never ceasing to pray and hope for their return and the restoration of their national freedom.

Impelled by this historic association, Jews strove throughout the centuries to go back to the land of their fathers and regain their Statehood. In recent decades they returned in their masses. They reclaimed the wilderness, revived their language, built cities and villages and established a vigorous and evergrowing community, with its own economic and cultural life. They sought peace yet were prepared to defend themselves. They brought the blessings of progress to all inhabitants of the country.

In the year 1897 the First Zionist Congress, inspired by Theodor Herzl's vision of the Jewish State, proclaimed the right of the Jewish people to national revival in their own country.

This right was acknowledged by the Balfour Declaration of November 2, 1917, and reaffirmed by the Mandate of the League of Nations, which gave explicit international recognition to the historic connection of the Jewish people with Palestine and their right to reconstitute their national home.

The Nazi holocaust, which engulfed millions of Jews in Europe, proved anew the urgency of the reestablishment of the Jewish State, which would solve the problem of Jewish homelessness by opening the gates to all Jews and lifting the Jewish people to equality in the family of nations.

The survivors of the European catastrophe, as well as Jews from other lands, proclaiming their right to a life of dignity, freedom and labor, and undeterred by hazards, hardships and obstacles, have tried unceasingly to enter Palestine.

In the Second World War the Jewish people in Palestine made a full contribution in the struggle of the freedom-loving nations against the Nazi evil. The sacrifices of their soldiers and the efforts of their workers gained them title to rank with the peoples who founded the United Nations.

On November 29, 1947, the General Assembly of the United Nations adopted a Resolution for the establishment of an independent Jewish State in Palestine, and called upon inhabitants of the country to take such steps as may be necessary on their part to put the plan into effect.

This recognition by the United Nations of the right of the Jewish people to establish their independent state may not be revoked. It is, moreover, the self-evident right of the Jewish people to be a nation, like all other nations, in its own sovereign state.

Accordingly, we, the members of the National Council, representing the Jewish people in Palestine and the Zionist movement of the world, met together in solemn assembly today, the day of the termination of the British Mandate for Palestine, and by virtue of the natural and historic right of the Jewish people and of the resolution of the General Assembly of the United Nations, hereby proclaim the establishment of the Jewish State in Palestine, to be called Israel.

We hereby declare that as from the termination of the Mandate at midnight, this night of the fourteenth to the fifteenth of May, 1948, and until the setting up of the duly elected bodies of the State in accordance with a Constitution, to be drawn up

Source: Palestine Post, May 16, 1948, pp. 1-2.

by a Constituent Assembly not later than the first day of October 1948, the present National Council shall act as the Provisional State Council, and its executive organ, the National Administration, shall constitute the Provisional Government of the State of Israel.

The State of Israel will be open to the immigration of Jews from all countries of their dispersion; will promote the development of the country for the benefit of all its inhabitants; will be based on the precepts of liberty, justice and peace taught by the Hebrew Prophets; will uphold the full social and political equality of all its citizens, without distinction of race, creed or sex; will guarantee full freedom of conscience, worship, education and culture; will safeguard the sanctity and inviolability of the shrines and Holy Places of all religions; and will dedicate itself to the principles of the Charter of the United Nations.

The State of Israel will be ready to cooperate with the organs and representatives of the United Nations in the implementation of the Resolution of the Assembly of November 29, 1947, and will take steps to bring about the Economic Union over the whole of Palestine.

NOTE

1. At eight o'clock on the morning of May fourteenth, the British lowered the Union Jack in Jerusalem. By mid-afternoon the Arabs' full-scale attack against the Jews was launched. At 4:00 P.M. despite great pressure from the government of the United States and the doubts of many of his colleagues, David Ben-Gurion, chairman of the Jew-

We appeal to the United Nations to assist the Jewish people in the building of its State and to admit Israel into the family of nations.

In the midst of wanton aggression, we yet call upon the Arab inhabitants of the State of Israel to return to the ways of peace and play their part in the development of the State, with full and equal citizenship and representation in all its bodies and institutions, provisional or permanent.

We offer peace and amity to all the neighboring states and their peoples, and invite them to cooperate with the independent Jewish nation for the common good of all. The State of Israel is ready to contribute its full share to the peaceful progress and development of the Middle East.

Our call goes out to the Jewish people all over the world to rally to our side in the task of immigration and development and to stand by us in the great struggle for the fulfillment of the dream of generations—the redemption of Israel.

With trust in the Rock of Israel, we set our hand to this Declaration, at this Session of the Provisional State Council, in the city of Tel Aviv, on this Sabbath eve, the fifth of Iyar, 5708, the fourteenth day of May, 1948.

ish Agency Executive, read the Declaration of Independence of the State of Israel. The Jewish population of Palestine, except for Jerusalem, which was without electricity, heard the proclamation ceremonies as they were broadcast from the Tel Aviv Museum.

DAVID BEN-GURION

42. Address to the Knesset on the Law of Return (July 3, 1950)¹

. . . The Law of Return and the Law of Citizenship that you have in front of you are connected by a mutual bond and share of common conceptual origin, deriving from the historical uniqueness of the State of Israel, a uniqueness vis-à-vis the past and the future, directed internally and externally. These two laws determine the special character and destiny of the State of Israel as the state bearing the vision of the redemption of Israel.

The State of Israel is a state like all the other states. All the general indications [of statehood] common to the other states are also to be found in the State of Israel. It rests on a specific territory and a population existing within this territory, it possesses sovereignty in internal and external affairs, and its authority does not extend beyond its borders. The State of Israel rules only over its own inhabitants. The Jews in the Diaspora, who are citizens of their countries and who want to remain there, have no legal or civil connection to the State of Israel and the State of Israel does not represent them from any legal standpoint. Nevertheless, the State of Israel differs from the other states both with regard to the factors involved in its establishment and to the aims of its existence. It was established merely two years ago, but its roots are grounded in the far past and it is nourished by ancient springs. Its authority is limited to the area in which its residents dwell, but its gates are open to every Jew wherever he may be. The State of Israel is not a Jewish state merely because the majority of its inhabitants are Jews. It is a state for all the Jews wherever they may be and for every Jew who so desires.

On the fourteenth of May, 1948 a new state was not founded *ex nihilo*. Rather, the crown was restored to its pristine splendor 1,813 years after the independence of Israel was destroyed, during the days of Bar Kokhba and Rabbi Akiba. . . .

The establishment of the Jewish state was not an event limited to the place and time of its emergence. Rather, it is a world event, in the sense of time as well as place, an event summarizing a prolonged historical development. This event has introduced radical reforms and itself serves as a source for alterations and changes exceeding its temporal and spatial framework. . . .

It is not accidental that the Proclamation of Independence began with cogent and succinct passages concerning the perpetual link between the Jewish people and its ancient homeland. Neither is it accidental that as a primary and essential principle governing the direction of the state it was declared before anything else that "the state of Israel shall be open to Jewish immigration and the ingathering of exiles." . . . Just as it was clear that the renewal of the State of Israel is not a beginning, but a continuation from days of yore, so, too was it understood that this renewal is not an end and conclusion but another stage in the long path leading to the full redemption of Israel.

The Diaspora has not ceased with the foundation of the state. In fact, this Diaspora is not a recent phenomenon, having preceded by a long period of time the destruction of our independence. Already in the seventh century B.C.E., simultaneous to the destruction of the First Commonwealth, we find Jews in foreign lands. . . .

Source: [Debate on the law of return and law of citizenship, July 3, 1950, *Proceedings of the Knesset*] 6 (Jerusalem, 1951), pp. 2035-37. Trans. by S. Weinstein.

In the last meeting of the Zionist Executive in Jerusalem a debate arose concerning the question: ingathering of exiles² or ingathering of *all the* exiles? This debate will not be decided by ideology or by political resolutions; only Jewish history can offer a solution. Nevertheless, it is a fact worth noting that foreign volunteers from fifty-five various countries representing all five continents of the world served in the Israel Defense Force [during the War of Independence]. Further, with respect to its scope, dimensions, pace and diversity the return of the exiles taking place in our days has no precedent, even in the annals of the Jewish nation. This is the great, decisive event of our generation that will determine the fate of the State of Israel and fashion the image of the Hebrew nation for many generations; no event in our life from our emergence as a people until the present has been so decisive.

The motives at work in the Jewish immigration [to the land of Israel] in all the generations, including our own, have been many and varied. Longings for redemption, ancient memories, religious feelings, love of homeland and above all, distress—economic, political and spiritual distress. With the foundation of the state a new factor has been added whose strength will continually increase: the power of appeal and at-

traction [embedded] in the State of Israel. The pace and scope of the return of the exiles will in no small part be dependent upon our capacity to augment this appeal and to turn the State of Israel into the center for the realization of the longings of the nation and for the satisfaction of its material and spiritual needs. In addition, this capacity may very well be the primary factor in attracting immigration from the countries of the new world.

The Law of Return is one of the Basic Laws of the State of Israel. It comprises the central mission of our state, namely, ingathering of exiles. This law determines that it is not the state that grants the Jew from abroad the right to settle in the state. Rather, this right is inherent in him by the very fact that he is a Jew, if only he desires to join in the settlement of the land. In the State of Israel the Jews have no right of priority over the non-Jewish citizens. The State of Israel is grounded on the full equality of rights and obligations for all its citizens. This principle was also laid down in the Proclamation of Independence. . . . The right to return preceded the State of Israel and it is this right that built the state. This right originates in the unbroken historical connection between the people and the homeland, a connection which has also been acknowledged in actual practice by the tribunal of the peoples.

NOTES

1. David Ben-Gurion (1886–1973). Chairman of the Zionist Executive and of the Jewish Agency, 1935 to 1948, he also served as the first prime minister of the State of Israel. During the Knesset's deliberations on the Law of Return (see the next document) proposed by the government, Ben-Gurion outlined in this address the rationale of this legislation that would define the infant state as legally committed to the Zionist idea of the repatriation of the "exiled" Jewish people to their ancestral homeland.

2. This ancient expression (in Hebrew, *kibbutz galuyot*), conceptually originating in the Book of Ezekiel, is found in the talmudic literature and in some of the central prayers of the traditional liturgy. The "ingathering of the exiled communities" to the land of Israel was linked with the messianic idea, an association that Ben-Gurion acutely appreciated.

43. The Law of Return (July 5, 1950)¹

1. Every Jew has the right to immigrate to the country.

2. (a) Immigration shall be on the basis of an immigrant's visa. (b) An immigrant's visa shall be granted to every Jew who has expressed his desire to settle in Israel, unless the minister of immigration is convinced that the applicant (1) is acting against the Jewish people, (2) is likely to endanger public health or the security of the state.

3. (a) A Jew who comes to Israel and after his arrival expresses his desire to settle there, is entitled, while he is still in Israel, to obtain an immigrant certificate. (b) The reservations detailed in section 2(b) will also be in force regarding the granting of an immigrant certificate, but a person will not be

considered as endangering the public health as a result of an illness he contracted after his arrival in Israel.

4. Every Jew who immigrated to Israel before this law entered into effect, and every Jew born in the country, whether before or after this law entered into effect, shall be considered as having immigrated according to this law.

5. The minister of immigration is responsible for the enforcement of this law, and he is empowered to enact regulations in all matters concerning its implementation as well as the granting of immigrant visas and immigrant papers to minors under the age of eighteen.

NOTE

1. This law was passed unanimously by the Knesset on July 5, 1950.

Source: Reshumot [Official record of the laws of the State of Israel] (Jerusalem, 1951), vol. 51, p. 159. Trans. by S. Weinstein.