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Dual Distribution

QUESTION OF AN INTERNATIONAL REGIME FOR
THE JERUSALEM AREA AND PROTECTION OF THE
HOLY PLACES

Memorandum dated 21 February 1950 from the Council of the Ashkenasic
Jewish Community, Jerusalem

Note by the Secretariat: The following memorandum dated
21 February 1950 from the Council of the Ashkenasic Jewish
Community, Jerusalem concerning the future status of
Jerusalem was received by the President of the Trusteeship
Council and is hereby circulated to the members of the Council.

"The Council of the Ashkenazic Jewish Community of Jerusalem has the
honour to submit this memorandum in connection with the decision about to be
taken by your exalted Committee to settle the future status of the Holy City,
and we crave your earnest attention to our demands and suggestions which
affect the lives and the conscience of thousands of orthodox Jews resident
in Jerusalem.

FOUNDATION

The Ashkenazic Jewish Community is a link with the Yishuv of Old Jerusalem,
established over 100 years ago as a spiritual entity. After the first World War
it was re-established under the leadership of the then Chief Rabbi Joseph Hayim
Sonnenfeld on whose death the leadership passed to the late Chief Rabbi Joseph
Zvi Dushinsky. The present spiritual head of the Community is Rabbi Selig
Reuven Benghis.

The Community is made up of orthodox Jews who are content to live here as our parents lived here before us for many generations, and desire no change. The Community's daily life is based on the laws and teachings of the holy Torah (Jewish Laws) which is strictly adhered to in every respect. No trimmings, political or otherwise, are sought or wanted. With the immigration of orthodox Jews from abroad many have joined the Community so that we now number some 30,000 souls.

The Council of the Ashkenazic Jewish Community of Jerusalem takes care of our spiritual needs by the provision of Rabbis, Rabbinical Courts competent to decide questions of Jewish law and personal status, ritual slaughter of meat, dietary (Kashrut) requirements and family purity, synagogues, burial, etc., and are looked upon as the supreme authority over orthodox Jews in the Holy Land.

The Ashkenazic Jewish Community has its own separate system of education for its members. A purely theological education whose directors and teachers have no political or party affiliations whatsoever. Our Community also manage their own hospitals, orphanages, Talmudical schools and colleges, relief organisations and social welfare - all under strictly orthodox Jews to serve the Community.

CLAIMS AND DEMANDS

At this vital point in our existence, we approach Your Honours in the name of the thousands of orthodox Jews, long resident in Jerusalem, members of our Community, and appeal to you to secure the inclusion of the following demands within the framework of the future Constitution of Jerusalem.

Our demands may be divided into two categories: Special and General.

Special claims are:-

- I. Rights and powers of the Council of Ashkenazic Jews in Jerusalem.
- II. Recognition of the Rabbinical Council of Ashkenazic Jews.
- III. Absolute freedom of religious education.

General claims are:-

- IV. Jerusalem be proclaimed a Holy City.
- V. Constitution of the Municipality.
- VI. The Holy Places.
- VII. Freedom of business and trade.

We will now deal with each demand separately.

I. Rights and Powers of the Council of Ashkenazic Jews:

For reasons of religion and conscience, orthodox Jews are separately organised and represented by the above Council. Under the Mandate when the Zionists were officially recognised as the Knesseth Israel represented by the Vaad Leumi (National Council), orthodox Jews opted out of the recognised Knesseth Israel and would have no connection with them. And since every attempt to compel us to join them in any matter whatsoever is regarded as a violation of religious freedom, we have the honour to claim -

- (a) That the Ashkenazic Jewish Community be given recognition as a separate religious community and granted complete autonomy so as to be totally independent.
- (b) Only the elected representatives of the Ashkenazic Jewish Community to be recognised as having authority to represent the Community and to speak and act on its behalf in all matters.
- (c) To make possible and easy the separate requirements of the Ashkenazic Jewish Community in matters of burial and ritual slaughter of meat.
- (d) That power be given to the Council to impose and collect taxes from the members of the Community for the conduct of the Community's affairs.

II. Recognition of Rabbinical Council of the Ashkenazic Jewish Community

As already mentioned, the Community has a separate Rabbinical Council which exercises jurisdiction over the members, the present head being Rabbi Z.R. Benghis. We claim:

- (a) Recognition of our Rabbinical Council as the competent authority to deal with every religious question affecting members of the Community.
- (b) Recognition of the legal validity of Rabbinical decrees and judgments in matters of marriage and divorce.
- (c) Only the Rabbinical Council, is competent to pass judgment in matters of personal status affecting members of the Community.
- (d) Authority be given to the Rabbinical Court to deal with and execute wills and all matters connected with bequests to public charities and institutions for the benefit of the Community.
- (e) Earnest and serious consideration be given to the requests of the Rabbinical Council for the import of food declared by them to be ritually pure (Kasher) so that the Ashkenazic Jewish Community may also enjoy and benefit from food imported.

III. Freedom of Religious Education:

The great Talmudical sages who laid down the system for religious education in the Holy City over a hundred years ago purposely imposed limits and restrictions which, in their wisdom, they knew to be essential. The members of the Ashkenazic Jewish Community have no reason to doubt the wisdom and foresight of the originators and, desiring no change, to this day strictly adhere to the system then laid down and will not deviate from it one step. We therefore demand that Your Honours secure the absolute freedom of education to orthodox Jews, that our system be conducted by our trusted ones and be altogether free of intervention from any other body whatsoever and that we be under no obligation to follow any other educational programme. That our pupils and students be exempt from the provisions of any education laws that may be passed either by the Government or by the Municipality. Our religious educational institutions to be the sole concern of the Council and neither Government nor Municipality to participate in their administration.

IV. Proclamation of Jerusalem as a Holy City

The City of Jerusalem is sacred to millions of people all over the world. We therefore have the honour to request that Jerusalem be proclaimed to all the world a CITY OF HOLINESS AND RELIGION. That this City be more inter-religious than international, i.e. that all nations should understand and agree that Jerusalem is a place dedicated to WORSHIP and is outside all political considerations whatsoever. With this end in view, we suggest:

- (a) That Your Honours decide that Jerusalem is outside every matter connected with politics and parties and for her well known and acknowledged sanctity is to become a corner of the Globe within whose confines there shall always be Peace. To prohibit in this City the noise of cannon, sword and gunfire, and to secure that Jerusalem shall not be concerned or affected in any way in the event of hostilities or warfare occurring elsewhere. At least in the Holy City let the prophetic word in the Bible come true:-
That one nation shall not raise the sword against the other.

- (b) To make easy by every possible means the pursuit and service of religion and to safeguard religious freedom and sentiment, so that orthodox Jews may fulfil their religious duties in the finest manner; and to ensure that no laws are passed which contain provisions that are contrary, however little, to religious freedom.
- (c) To prohibit in the Holy City everything which openly violates religion and all deeds contrary to sanctity and decorum, i.e. dressing indecorously and immodestly, abandoned dancing, mixed swimming baths, etc., and to declare the violation of religion and decorum a breach of the peace, the offender being punishable as a disturber of the peace.
- (d) To permit the settlement in Jerusalem of orthodox Rabbis and religious people, Talmudic students, and elderly persons of 50 years and upwards who desire to spend their old age in an atmosphere of decorum and religious devotion.

V. Constitution of the Municipality:

The Municipality should cover all the inhabitants of the City, of every religion, so that there may be harmony and co-operation in every domestic matter of common interest to all. In this connection we demand:-

- (a) That there should be only one Municipality embracing the whole City.
- (b) Its powers shall be confined to domestic matters only, - i.e. provision and maintenance of roads, water supply, electricity, etc.
- (c) The Municipality shall have no concern with matters of education and learning. Every community to be free to conduct its own education according to its religious teaching and conscience.
- (d) The powers of the Municipality to impose and collect taxes should be restricted to the collection of taxes required for the maintenance of the City's domestic needs, and should have no power to collect taxes for education, learning, or any religious or other matters.
- (e) The right of voting and election to the Municipality, whether active or passive, should be given only to men, and not to women, in order that Jewish religious sentiment may be respected.

VI. The Holy Places:

- (a) There should be free access to Jews from all over the world to all our Holy Places. These are:- The Western (Wailing) Wall, Tomb of Mother

- Rachel, Tomb of the Prophet Zachariyeh, Tombs of the Prophets, Tomb of the Prophetess Huldah, Tomb of Simon the Just and the Tombs of the Sanhedrin, Tombs of the Royal House of David, Jewish Cemetery on the Mount of Olives, the holy synagogues in the Old City.
- (b) To count as holy places all houses of worship, of Torah study, Yeshivoth (Theological Seminaries), religious schools, cemetaries.

VII. Freedom of Business and Trade:

To create harmony and to avoid division, quarrels and envy among the inhabitants of the Holy City, we suggest:

- (a) To secure the freedom of all business, import and export, and all trade in a normal manner and to prohibit monopolies of any and every kind.
- (b) To ensure a general programme of import and export free for all. In the event of the City being divided into Zones (to which we are opposed), we request that the Ashkenazic Jewish Community be allotted a specific share directly and should not be attached to or dependent upon any other body.
- (c) The free pursuit of work and trade. There should be no power given anywhere to compel a worker or tradesman to belong to any particular organisation. Every person should have the right to work and earn at will and in peace.

We believe that Your Honours will find in our claims and suggestions a way to secure the peace and happiness of all inhabitants of Jerusalem and safeguard the free exercise of religious learning and service. Should you succeed in realising this, you will have made possible the peaceful living and development of thousands of Jews who staunchly believe in the holiness of Jerusalem and whose families have been resident here for many generations.

We hope and pray that Your Honours will give due weight to our demands and will pass judgment thereon in the spirit of justice and understanding; our sole aim being to raise and uplift the divine glory, the sanctity and beauty of the Holy City.

In the hope that you will see your way to fulfil our claims and accept our suggestions, we have the honour to sign ourselves, with the highest respect

(signed) Rabbi Eliahu N. Porusch-Glickman

Vice President of the Council."