'The Bedrock of Our Existence': An Analysis of the Israeli Claim to Jerusalem before and after the Six-Day War

Silberman, Adam

Leiden University

Faculty of Humanities

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Masters Thesis

Adam Silberman (3804577)

Supervisor: Dr Noa Schonmann

Department of International Relations

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Abstract

This thesis analyses how, if at all, the Israeli claim to Jerusalem has evolved since 1948. To answer this question, it compares discourse in The Early Years (1948-1967) and The Post Six-Day War Era (1967-2018) periods within three key areas – political, cultural and legal developments. The results show a surface-level evolution of the claim in certain aspects such as the growth of messianism and fundamental legal changes. However, amidst this superficial evolution, a profound substantive consistency prevails across both periods in political and cultural discourse, where the essence remains unchanged, particularly evidenced in the enduring national consensus on the issue and conceptualisation of Jerusalem in the national identity. The implications of this reinforce the notion of a united Jerusalem as a symbolic bedrock of Israel's existence, historical legitimacy and foundational narrative.

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1. **Introduction**

> 'For three thousand years, Jerusalem has been the center of Jewish hope and longing. No other city has played such a dominant role in the history, culture, religion and consciousness of a people as has Jerusalem in the life of Jewry and Judaism. Throughout centuries of exile, Jerusalem remained alive in the hearts of Jews everywhere as the focal point of Jewish history, the symbol of ancient glory, spiritual fulfillment and modern renewal'.[1] – Teddy Kollek (Mayor of Jerusalem from 1965 to 1993)

The Israeli claim to Jerusalem cannot be explained simply as a legal one. Nor only as a historical one, or even merely a religious one. The Crown of David and the glory of the Hasmoneans juxtaposed with the worn and yellowed pages of dusty legal tomes. Bibles and Ben-Gurion. Validation upon sanctification. A web of arcane history and contemporary geopolitics, blurring so many lines that it is no wonder so few an authority have worked to untangle it.

The title, 'The Bedrock of Our Existence' (סלע קיומנו), comes from a speech given by Prime Minister Benjamin Netanyahu in 2017 about the all-encompassing importance of Jerusalem and the Western Wall in his eyes.[2] The question this paper seeks to uncover is whether that importance and that claim has remained constant throughout the years or if it has undergone a substantial evolution.

This thesis explores that same claim, undertaking a comparative analysis of it before and after the War of June 1967 through the lens of three areas: political, cultural and legal developments. The relevance of this topic is underscored by the ongoing significance of Jerusalem as a contested and symbolic city, where political, cultural, and legal dimensions intersect. A debate which has grown particularly heated since the Israeli capture of the city from Jordan in 1967.

To be sure, the 1967 War (known in Hebrew as the 'Six-Day War' and in Arabic as 'the Setback') was a seismic event for both Israeli and Palestinian peoples and the broader Middle East, framing alliances and interests for decades to come. This thesis sets to explore how this epoch-defining event has shaped the Israeli claim to Jerusalem. Israel's post-1967 conquest and possession has been pilloried by some as a cynical and expedient land grab, enabled by successive pieces of legislation. At the same time, the Israeli claim has been recognised by others as one of longstanding interest, dating back to the destruction of the prior Jewish state in Roman times and subsequent re-emergence in 1948 as modern-day Israel.

Crucially, it has been argued by many a scholar that the Six-Day War represented a fundamental change in the Israeli identity and attitudes towards the city and that this change spilt over into political, cultural and legal realms. It is therefore plausible to advance that these three areas should be systematically analysed in Israeli discourse in the periods before and after the war, in

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[1] *Jerusalem: Famous Quotations*. Jewish Virtual Library. Accessed on 2 November 2023.
https://www.jewishvirtuallibrary.org/famous-quotations-on-jerusalem.
[2] Pfeffer A. (2017). Netanyahu Returns to the Western Wall Tunnels, the Bedrock of His Political Existence. *Haaretz*.

order to determine whether the latter period represents a continuation of what came before or a fundamental shift in discourse. The main research question that this thesis thus endeavours to answer is: *How, if at all, has the Israeli claim to Jerusalem evolved since 1948?*

The thesis is divided as follows: to provide the requisite context, a chapter outlining the historical background of the Israeli claim to Jerusalem is introduced. The forthcoming chapter encompasses a thorough literature review, endeavouring to encapsulate the contemporary landscape of academic discourse dedicated to the subject and indicate where a research gap was found. Following this, a subsequent chapter delineates the theoretical framework underpinning the comparative analysis. Subsequently, a detailed presentation of the methodological considerations governing the analysis is provided.

Finally, the comparative analysis unfolds, delving into the key political, cultural and legal developments of the Early Years (1948 – 1967) and Post Six-Day War Era (1967 – 2018). After this examination, the conclusive chapter synthesizes the findings and proffers a comprehensive response to the central research question posed in this thesis.

2. <u>Historical Background</u>

The issue in question relates to the fall of the British Mandate for Palestine and the chaos that ensued, leaving an anarchic situation in its wake and enduring controversy around the status of Jerusalem. After nearly three decades of rallies, riots and revolts against the British-led Mandatory administration, the British government abruptly announced that they would be pulling out and terminating all responsibility from the 14th of May 1948.[3]

The British Mandate for Palestine

As a mandatory power, Britain initially aimed to provide sound administration, rule of law and an eventual path to independence. However, this high-minded aim would soon be dashed by the sweeping tides of history as unrest turned into an explosion of inter-communal violence, with notable massacres of Jews in 1921 and 1929, reaching a climax in the 1936–1939 Arab Revolt, which was motivated by opposition to Jewish purchases of land and *Aliyah* or Jewish immigration.[4]

In turn, Zionists were outraged at the British failure to prevent violent attacks on Jewish life and property. In particular, they vehemently disputed British attempts to appease broader Arab public opinion by blocking Jewish immigration, notably seen in the 1939 White Paper, as an aberration and violation of the explicit pledge of the Mandate 'to place the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish National Home'.[5]

This enduring communal unrest led to increasing discussion in London throughout the 1930s of a partition plan for the Mandate. The Mandate had first been partitioned in 1922, when Transjordan had been granted substantial autonomy as a Hashemite Arab emirate under British protection, a matter of unhappiness amongst many Zionists who viewed it as an initial example of British bad faith, creating an Arab state on the East bank of the Jordan river, despite the historical Jewish ties to the area, whilst not creating a similar Jewish one on the Western bank.[6]

In July 1937, the Peel Commission recommended the rudiments of a two-state solution. It proposed a small Jewish state along the coast and Galilee, a reduced Mandatory area, and the rest to be incorporated into Transjordan as the Arab state These proposals led to deep soul-searching and deliberation amongst Zionist leaders, giving them a mere 10% of their original demands but also representing an opportunity for a sovereign state again after two-thousand years of foreign occupation.[7]

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[3] Montefiore S. (2011). *Jerusalem: The Biography*. Weidenfeld & Nicolson. 561.
[4] Ibid 522-537.
[5] Mandate for Palestine and Transjordan (1922).
[6] Galnoor I. (2009). The Zionist Debates on Partition (1919-1947). *Israel Studies* 14(2).
[7] Ibid.

Figure 1: Map of the British Mandate for Palestine

In the end, an uneasy compromise won out with the Zionist Congress rejecting the proposed map but opening the door to further negotiations to determine the specific terms for the proposed establishment of a Jewish State. In contrast, the Arab response, ranging from the moderate Nashashibi faction to the militant Arab Higher Committee led by Amin al-Husseini, unequivocally rejected the idea of a Jewish state, insisting on Arab rule over all of Mandatory Palestine.[8]

The Bloody End of the Mandate

The failure of these proposals left the fate of Mandatory Palestine unresolved. Throughout the 1940s, as the British ability to control and manage events waned further, disputes over the eventual future of the Mandate grew ever more violent with a succession of roundly rejected British plans.

This continued insurgency eventually drove the British to take the matter to the UN which in 1947 approved the termination of the Mandate and its partition into independent Jewish and Arab states with Jerusalem becoming a *corpus separatum,* in other words being internationalised

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[8] Ibid.

under UN supervision.[9] The British government further announced that, come what may, the Mandate would terminate on 15 May 1948.[10]

Figure 2: 1947 UN Partition Plan
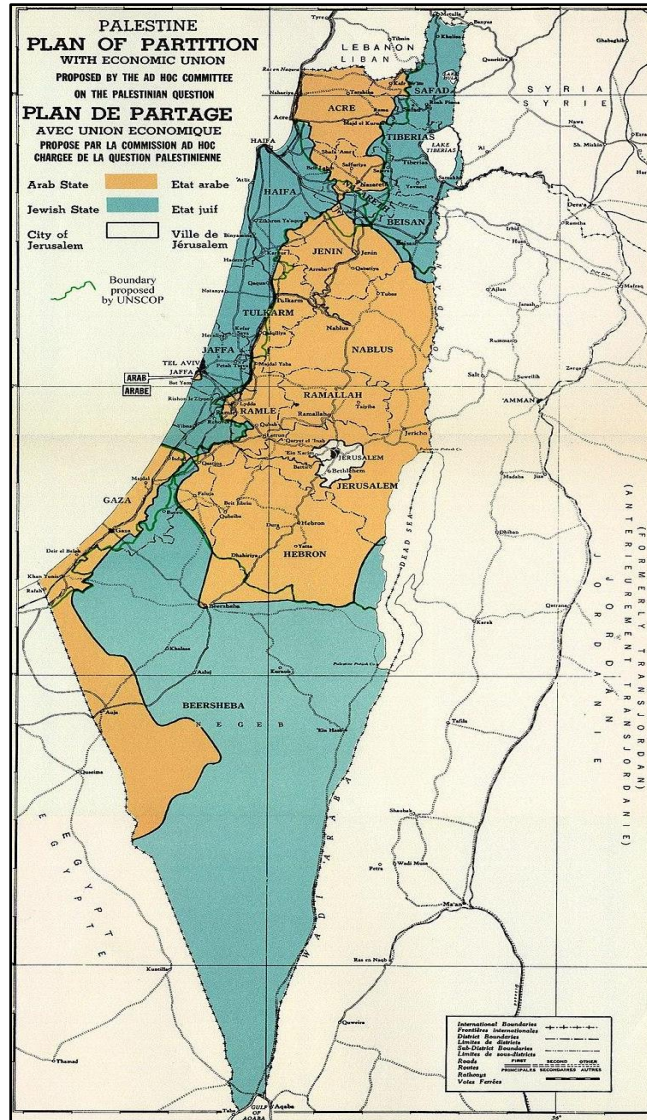
Whilst Jewish leaders agreed to the plan, it was resolutely rejected by the Arabs who stated their intention to prevent its implementation by force.[11] Upon the termination of the British Mandate, the armies of the Arab League invaded Mandatory Palestine in what Secretary-General Azzam Pasha termed a 'war of extermination and momentous massacre which will be spoken of like the Mongolian massacre and the Crusades'.[12]

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[9] UNGA Res 181 (1947,November 29). A/RES/181(II).
[10] Montefiore (2011), 570.
[11] Ibid 575-578.
[12] Barnett D. & and Karsh E. (2011). Azzam's genocidal threat. *Middle East Quarterly*. 18(4).

In the course of this calamitous struggle, both Palestinian and Jewish civilians fled or were expelled from their homes as the nascent IDF and Transjordanian, Egyptian, Iraqi and other Arab League armies raged around them, setting the stage for over 7 decades of conflict, bitterness and mutual recrimination. Another crucial development which took place in the war was Transjordan's capture of the West Bank, including the Eastern part of Jerusalem whilst the Western part remained under Israeli rule.[13]

The Six-Day War

This state of affairs, with a demarcation line outlined in the 1949 Armistice Agreements that subsequently became known as the Green Line, would continue throughout an acrimonious and discordant two decades until the Six-Day War erupted in 1967.

The war's inception, stemming from an Israeli pre-emptive strike in response to an Egyptian blockade of the Straits of Tiran, has remained a contentious subject. Certain scholars argue that it amounted to an unjustified, aggressive act and in contravention of Article 2 of the UN Charter. Conversely, others contend that it aligned with the stipulations of Article 51, pertaining to self-defence.[14]

Annexation of East Jerusalem

In the course of this war, the Israelis captured Eastern Jerusalem and the West Bank from Jordan.[15] Since 1967, with the exception of certain areas whose control and administration were handed over to the Palestinian Authority under the Oslo Accords, they have retained control over the remainder. Nonetheless, the lawfulness of this and the Israeli conceptualisation of East Jerusalem as sovereign Israeli territory has been repeatedly challenged in the international community, with some scholars opining rather that it is illegally occupied land.[16]

This debate has been brought to the fore in recent decades as successive Israeli governments have taken steps that, in their view, have constituted lawful annexation of East Jerusalem, most notably through the passing of the 1980 Jerusalem Basic Law whose first sentence proclaims a 'complete and united' Jerusalem as the capital of Israel.[17]

This follows measures such as the Law and Administration Ordinance of 1967 whereby the 'the law, jurisdiction and administration of the State' were applied to the city, amounting to a *de facto* annexation.[18] Likewise, the Israeli Supreme Court, in judgments such as *Ruweidi* and *Hanzalis*,

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[13] Montefiore (2011) 580.

[14] Dinstein Y. (2005). *War, Aggression and Self-Defence.* Cambridge University Press, 192.

[15] Montefiore (2011) 594-599.

[16] Ben-Naftali O. (2005). Illegal Occupation: Framing the Occupied Palestinian Territory. *Berkeley Journal Of International Law*. 23(3).

[17] Basic Law: Jerusalem, Capital of Israel, Laws of the State of Israel (1980).

[18] Law and Administration Ordinance (1967).

has taken the view that East Jerusalem 'was annexed to the State of Israel and constitutes part of its area' and thus is an integral part of Israel's sovereign territory.[19]

Figure 3: Map of Jerusalem

Despite these steps, the debate around the status of Jerusalem continues to be an enduring and evolving topic.

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[19] *Ruweidi v Hebron District Military Court (*1970) PD 24 (HCJ) 419-424.

3. <u>Literature Review</u>

3.1. Previous Analysis of the Israeli Claim to Jerusalem

As the sections below demonstrate, the Israeli claim to Jerusalem has been explained and elaborated on in many forums, with many scholars providing analysis of it. Explanations are readily forthcoming on what their religious, historical and legal arguments are. These academic sources, deriving primarily from Israeli and Israelophile scholars, are particularly useful in understanding the long-term official position, reflecting the fact that whilst the Israeli government has from time-to-time published clarifications of its claim, these inevitably reflect the politics of the day, rather than providing a comprehensive long-term analysis.

Lustick asserts that Jerusalem holds a pivotal position in Israeli political discourse, exemplifying in his opinion a political fetish that transforms from an unconventional notion to a prevailing majority opinion. He identifies two instances of political fetishism related to Jerusalem: Ben Gurion's 1949 sacralization of the new city as Israel's eternal capital and the post-1967 expansion, redefining Jerusalem to include areas from the West Bank.[20] Regardless of whether it is indeed this political fetish, it clearly is significant as demonstrated by Eisner's magnum opus, 'Jerusalem: An Analysis of Legal Claims and Political Realities' which briefly evaluates political processes up until the early 1990s and then goes onto provide an explanation of the arguments or claims made by Israeli politicians.

Eisner's paper notes the deep-rooted Israeli political discourse that asserts sovereignty over Jerusalem based on the historical and Biblical connection of Jews to the city. This perspective contends that the ancient, Biblical, and spiritual ties of the Jews to Jerusalem surpass the Muslim ties, establishing a precedence that elevates the Jewish claim above the Muslim claim.[21] An argument that is similarly made by both Berkowitz and Pipes. Both of these scholars note the immense political and cultural significance of the city within the national identity. Something which is seen as vital to the very character and existence of the state, animating its spirit and *raison d'être*.[22]

Linking this political and cultural discourse to the underpinning legal debate, Israeli scholar Ruth Lapidoth noted the existence of various schools of thought on the status of Jerusalem. Lapidoth analyses in detail the legal theories existing at the time, noting four primary opinions: that is lawful Israeli territory due to a pre-existing vacuum of sovereignty (the Israeli argument), that Palestinians retain legal sovereignty over the city, that Jordan was a lawful sovereign stemming

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[20] Lustick, I. (1996). The Fetish of Jerusalem: A Hegemonic Analysis. In *Israel in Comparative Perspective: Challenging the Conventional Wisdom*. State University of New York Press, 143 - 144.

[21] Eisner, M. (1993). Jerusalem: an analysis of legal claims and political realities. *Wisconsin International Law Journal*. 12(2), 244 - 245.

[22] Berkowitz S. (2018). *The Status of Jerusalem in International and Israeli Law*. Jerusalem Center for Public Affairs, 55. See also Pipes D. (2001). The Muslim Claim to Jerusalem. *Middle East Quarterly.* 8(4), 49-66.

form an exercise of self-determination by Jerusalem inhabitants and finally that the *corpus separatum* argument is still applicable.[23]

In terms of the espoused Israeli claim, the only argument that Lapidoth mentions is the vacuum of sovereignty one.[24] Initially proposed by Elihu Lauterpacht, this theory posits that a sovereignty vacuum emerged at the conclusion of the Mandate, necessitating lawful intervention to address it. Lauterpacht contends that while West Jerusalem achieved lawful sovereignty during the War of Independence, East Jerusalem endured a legal vacuum under de facto, belligerent, and illegitimate Jordanian occupation. This condition persisted until Israel took control during the Six-Day War, characterized by what he terms a lawfully created occupation resulting from self-defence actions.[25]

Interestingly, Lapidoth tantalisingly edges towards the topic of this paper, positing 'How were these opinions influenced by the changes that occurred in 1967?'. Regrettably, she stops short of delivering a definitive answer to this probing question. Nevertheless, she astutely sums up the newfound position within the vacuum of sovereignty tradition, asserting that 'Israel has the strongest relative title to the area in the absence of a lawful "sovereign reversioner" due to Jordan's lack of valid sovereignty'.[26]

Since then, a pivotal analysis of the Israeli claim was made by Berkowitz, influenced by the work of Blum.[27] Berkowitz similarly reflects the arguments of the Vacuum of Sovereignty school, arguing that the laws of occupation do not apply to Jerusalem and consequently Israel attained sovereignty over East Jerusalem in a lawful manner and in alignment with international law and Article 51 of the UN Charter.[28]

Similarly, one might contemplate the arguments that have been made surrounding state sovereignty, particularly the *Uti Possidetis Juris* school of thought which is a longstanding legal concept that holds a successor state will inherit the borders of its predecessor, something which has primarily been applied during decolonization to avoid fragmentation of states. Abraham Bell and Eugene Kontorovich in particular have in recent years made the case for applying *Uti Possidetis Juris* to Jerusalem, synergising historical and cultural arguments with legal points.

They contend that it is widely acknowledged that the boundaries of newly established states are determined by the application of *Uti Possidetis Juris* 'as a matter of customary international law'.[29] In a similar vein, Bell and Kontorovich assert the following regarding Jerusalem and Israel's

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[23] Lapidoth (1994) 413-414.

[24] Ibid 414.

[25] Lauterpacht E. (1968). *Jerusalem and the Holy Places*. Anglo-Israel Association, 47.

[26] Lapidoth (1994) 414.

[27] Blum Y. (1968) Missing Reversioners: Reflections on the Status of Judea and Samaria. *Israel Law Review*. 3(2), 293.

[28] Berkowitz (2018) 59.

[29] Bell A. & Kontorovich E. (2016). Palestine, Uti Possidetis Juris and the Borders of Israel. *Arizona Law Review.* 58, 635.

territorial boundaries: Israel, as the singular successor state arising from the conclusion of the Mandate period, inherently assumed the territorial borders of the Mandate of Palestine, as they were delineated in May 1948.

In defence of their claim, the authors make the following points: First, that it was the only state to emerge from the Mandate. Secondly, the state conformed to the envisioned Jewish homeland contemplated by the Mandate and simultaneously validated a legitimate Jewish entitlement to self-determination within the Mandatory territories.[30]

Likewise, they dispute the validity of the argument asserting legal significance to the pre-1967 borders or the 1949-established armistice line, commonly referred to as the Green Line. Bell and Kontorovich emphasize that "the armistice agreements were clear in stating that the armistice lines were not boundaries and that the parties retained their claims to territorial sovereignty."

Moreover, when considering the political underpinnings of the Israeli claim, in a similar manner to Lustick's arguments, Peleg contends that within the belief system of the Zionist Right which gained great political prominence in the post-1967 period, there has consistently existed a dual inclination - a persistent aspiration for national power, particularly in its military manifestation, coupled with an unwavering nationalist identity tethered to the territorial integrity of ancient Israel.

Peleg's analysis holds considerable relevance to the subject of this paper, elucidating the underlying motivations of Israeli society and officialdom. In other words, the thought that drives political and cultural discourse. He presents this through a constructivist realist perspective, asserting that territorial control is intricately tied to national power in the nationalist mindset. Therefore, in Peleg's conception, the Revisionists' enduring preoccupation with national power is inseparable from their identity as guardians of the nation and champions of its interests.[31]

Peleg contends that the Zionist Right, initially challenged by the partition of Palestine in 1947, renewed its pursuit of ideological dominance in 1967 when Israel gained control of the West Bank and Gaza. Shifting focus from pre-1948 claims, the movement emphasized enduring principles of national power and territoriality, despite altered specifics in post-1967 territorial assertions.[32]

This political and cultural discourse was further highlighted by Landy whose paper on the City of David (part of Jerusalem's historic Jewish core) emphasises how archaeology and biblical history are not simply academic talking points for the Israeli government but integral parts of the conceptualisation and legitimisation of its claim or 'religious-nationalist narrative'.[33] Indeed, the author recognised the gap in views on the religious Zionist themes of the city's visitor centre.

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[30] Ibid 681-682.

[31] Peleg, I. (2005). The Zionist right and constructivist realism: Ideological persistence and tactical readjustment. *Israel Studies*, *10*(3), 149-150.

[32] Ibid 150.

[33] Landy D. The place of Palestinians in tourist and Zionist discourses in the 'City of David', occupied East Jerusalem. *Critical Discourse Studies, 1*4(3), 316 -317.

Landy, characterizing it as 'propagandistic,' stands in stark contrast to Israeli and Jewish visitors, 'almost all references to it are positive, claiming that this is part of a learning experience and that it truly brings the city of David to life…Thus, the fact that the site presents a straightforward narrative is considered to be a positive aspect'.[34]

Landy links this to the broader governmental discourse or 'narrative' of Jerusalem as a Jewish 'Citadel on a Hill', offering a refuge from the dangers posed by the adjacent Palestinian neighbourhood of Silwan and establishing a connection between ancient enemies against whom the City of David's defences were originally constructed, and the threats posed by 'the enemy on the other hill' to modern day Israeli Jerusalem.[35]

3.2. Research Gap

This all brings me to the research gap identified. Farooq explains the process for identifying a research gap as follows: identify the broad area of analysis, explain the methods or sources of identification, emphasise the feasibility of the research problem and identify the expected outcomes from this research gap.[36] On the first point, a study of the Israeli claim to Jerusalem reveals a wealth of scholarly work detailing the various frameworks or arguments from a historical, religious, legal, and political perspective. Naturally, much of this analysis mentions these in combination, recognising the intertwined nature of this convoluted discourse.

However, despite these efforts, there appears to be a two-fold research gap. First, existing sources exhibit a proclivity for offering overarching summaries of political and cultural discourse without explaining the detail, leaving the reader with a shallow understanding. Secondly, building on that lack of in-depth awareness, a notable gap emerges regarding comparisons of the Israeli claim before and after the epoch-defining Six-Day War – raising the question of whether this pivotal event ushered in a transformative evolution in that claim.

Over this temporal expanse, the pendulum of Israeli politics has decisively shifted from Ben-Gurion's left-wing *Mapai* party towards Netanyahu's right-wing *Likud* one. One might reasonably anticipate researchers, keen on delving into the intricacies of the Israeli claim to Jerusalem, to engage in a thorough comparative analysis spanning this significant historical continuum. Such an analysis would involve comparing and contrasting, elucidating similarities and differences, but they have not done so.

Indeed, on Farooq's second point, I have conducted a systematic review of literature, as expounded upon above, selecting relevant sources such as academic journal articles and books. I further engaged in 'backward referencing also known as chain searching [which] involves

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[34] Ibid 318.

[35] Ibid 319-320.

[36] Farooq, R. (2017). A Framework for Identifying Research Gap in Social Sciences: Evidence from the Past. *IUP Journal of Management Research*, *16*(4), 67.

identifying and examining the references or works cited in an article…to learn about the development of knowledge on a topic'.[37]

Having accomplished this task with due diligence, I assert with confidence that the gap persists. Nonetheless, given the broad availability of primary and secondary sources available, such as Knesset transcripts, I believe this gap can be feasibly and cogently filled. My ultimate intention being to compare and contrast the two time periods I have identified, evaluating how, if at all, the Israeli claim to Jerusalem has evolved. This endeavour aspires to furnish the reader with a more comprehensive and profound understanding, transcending mere description.

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[37] Ibid.

4. **Theoretical Framework**

This thesis centres on the Israeli claim to Jerusalem within the two identified time periods. This focus inherently encompasses the relationship between or synthesis of power and discourse. As such, Realist Constructivism emerges as a convenient theoretical basis. In what follows, I will briefly introduce this baseline theory in the study of politics and political discourse which was developed by a political scholar J. Samuel Barkin in the early 2000s for the purpose of better explaining or specifying 'the relationship between the study of power in international politics and the study of international relations as a social construction'.[38]

Barkin defines it as a theory that examines how 'power structures affect patterns of normative change in international relations', and 'particular set of norms affects power structures'.[39] He suggests combining specific aspects of realism and constructivism to create an innovative perspective within the field of International Relations. He argues that considering realism and constructivism as mutually hostile or unintelligible perspectives is an incorrect understanding of them and limits both. It deprives realists of studying normative phenomena crucial to power politics and constrains constructivists from studying power politics altogether.[40]

Rather, Barkin's theory proposes a novel synthesised approach. He argues that a key thread of Realist Constructivism is the emphasis on social institutions. Constructivism broadly asserts that social institutions are crucial in international relations (IR). Realism, while often focusing narrowly on the state as a key institution, acknowledges states as more than mere accumulations of interests. Realist theory posits that states are corporate actors with shared interests, and it assumes that individuals, whether decision-makers or soldiers, act to advance these collective interests. Thus, states play a constitutive role for the individuals within them, a perspective integral to realism.[41]

Realist Constructivism contains two main sets of shared characteristics: institutions and interests and agency and prudence. On Institutions and interests, it acknowledges the social construction of the state as a collective actor with relational power, recognising its corporate interest, commonly referred to by realists as the national interest. While many realists contend that survival is the core state interest, Barkin asserts that this assumption is often deemed insufficient and imprecise for addressing most research questions. 'Imprecise because it is not entirely clear what survival, in the context of a non-corporeal corporate agent, means' and inadequate as policy often transcends immediate threats to state survival which is a rarity in daily operations .[42]

Likewise, another set of shared characteristics includes the presence of a capacity for agency and a commitment to prudence. Barkin defines this dynamic as 'Agency is understood here to mean purposeful action by an individual or corporate actor with respect (in this context) to some aspect

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[38] Barkin J. (2003). Realist Constructivism. *International Studies Review*. 5(3), 325.
[39] Ibid 327.
[40] Barkin J. (2020). *The Social Construction of State Power : Applying Realist Constructivism.* Bristol University Press, 1.
[41] Ibid 9.
[42] Ibid.

of international politics…Purposefulness here should be thought of as distinct from reactive behaviour'.[43]

Mattern takes this further, arguing that realist constructivism is an 'approach that emphasizes the forms and expressions of power entailed in social construction'.[44] Mattern's approach expands beyond Barkin's, urging a comprehensive examination of all aspects of international relations as social constructs, including morality, ideals, and power dynamics. It also emphasizes a more profound connection between power and social construction, treating power as an integral part of the process by which norms and sociopolitical realities emerge.[45]

Indeed, in summarizing his support for this framework, Lebow proclaims that 'We need to know which motive or motives predominate in a system or epoch and the extent to which they are constrained by reason'. Lebow contends that realism, liberalism, constructivism, and an honour-based paradigm each contribute valuable insights to our understanding of international relations. He advocates that realist constructivism is the required comprehensive approach that synergistically incorporates multiple paradigms to gain a deeper understanding, particularly in how systems evolve and undergo transformation.[46]

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[43] Ibid 10.

[44] Mattern J. (2004). Power in Realist-Constructivist Research. *International Studies Review*. 6, 343.

[45] Ibid 345.

[46] Lebow R. (2004). Constructive Realism. *International Studies Review*. 6, 348.

5. Methodological Considerations and Data

5.1. Framework for the Analysis

For the purpose of identifying how, if at all, the Israeli claim to Jerusalem has evolved since 1948, a specific framework is required, identifying the key areas for systematic analysis. Crucially, the Israeli claim to Jerusalem since 1948 will be examined, within two distinct historical time frames, determining what are the similarities and differences.

As previously highlighted, this constitutes a distinguishing feature of the thesis in comparison to prior research endeavours. Historically, scholars and academic researchers have predominantly focused on specific facets, often centering their inquiry on specific aspects such as the nature of the claim, not taking into account its evolution (Lapidoth, Bell & Kontorovich). By contrast, the analysis of this paper starts with the *corpus separatum* crisis that began on the 6th of February 1949 and ends on the 19 July 2018, the date of the enactment of the 'Basic Law: Israel as the Nation-State of the Jewish People'.[47]

Likewise, in justifying this periodization of the Israeli claim, demonstrating that it is not simply separating dates and terms at random or at will, I reference Rabinowitz's argument that periodization is a necessary and appropriate means of categorising the past into quantified and named blocks. Following his argument, I focused not on arbitrary dates but rather followed established precedent of periodization by reference to key or transformational events such as wars, conflicts and major events.[48]

5.2. Scope

I compare and contrast the Israeli claim between 6 February 1949 - 19 July 2018, within two distinct time frames, separated by a major or epoch-defining incident of Israel's post-independence era concerning Jerusalem, namely the Six-Day War of 1967. I describe these periods as: The Early Years (1948-1967) and The Post Six-Day War Era (1967-2018).

5.3. Comparative Analysis

In scholarly discourse, as articulated by Azarian, comparative analysis is conducted for the purpose of nuanced exploration of differences and similarities, thereby illuminating the intricate fabric of diverse phenomena.[49] Indeed, Pickvance argues that the pursuit of comparative analysis is fundamentally driven by the aspiration to elucidate and enhance comprehension of causal processes underpinning the genesis of an event, characteristic, or relationship.[50]

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[47] Basic Law: Israel as the Nation-State of the Jewish People (2018).
[48] Rabinowitz, A. (2014). It's about time: historical periodization and Linked Ancient World Data. *ISAW Papers*, *7*.
[49] Azarian, R. (2011). Potentials and limitations of comparative method in social science. *International Journal of Humanities and Social Science*, 1(4), 114.
[50] Pickvance, C. (2005). The four varieties of comparative analysis: the case of environmental regulation.

The focus of this paper is comparative discourse analysis (CDA). Discourse is defined as 'a coherent or rational body of speech or writing'. CDA is employed in order to understand the realisation of goals and deeper meanings produced across contextual layers.[51] The various facets that make up CDA were aptly summed up by Hardy *et al* in 'Discourse Analysis and Content Analysis: Two Solitudes?'.[52]

Figure 7: Hardy's Discourse Analysis Table

	Discourse Analysis
Ontology	Constructionist - assumes that reality is socially constructed
Epistemology	Meaning is fluid and constructs reality in ways that can be posited through the use of interpretive methods
Data Source	Textual meaning, usually in relation to other texts, as well as practices of production, dissemination, and consumption
Method	Qualitative (although can involve counting)
Categories	Exploration of how participants actively construct categories
Inductive/Deductive	Inductive
Subjectivity/Objectivity	Subjective
Role of context	Can only understand texts in discursive context.
Reliability	Formal measures of reliability are not a factor although coding is still justified according to academic norms; differences in interpretation are not a problem and may, in fact, be a source of data
Validity	Validity in the form of "performativity" i.e., demonstrating a plausible case that patterns in the meaning of texts are constitutive of reality in some way.
Reflexivity	Necessarily high - author is part of the process whereby meaning is constructed.

The discourse analysis will be conducted according to Hansen's framework, outlined below. First, Number of Selves – a 'comparison around events or issues', the Six-Day War represents the 'event' and political, cultural and legal discourse about Jerusalem the 'issue'. Secondly, Intertextual Models – comprising of official discourse and wider political and cultural debate. This entails a comparison of primary sources, primarily political speeches by relevant parties, seen


Journal of Housing and the Built Environment, 16, 7-28.

[51] Maaka R. & Andersen C. (2006). *The Indigenous Experience: Global Perspectives.* Canadian Scholars Press Inc, 165.

[52] Hardy C. et al (2004). Discourse analysis and content analysis: Two solitudes?. *Qualitative & Multi-method Research*, 2(1), 21.

here as those which successfully entered the Knesset, with a focus on major ones. Thirdly, Temporal Perspective – looking at The Early Years and The Post Six-Day War Era as comparative moments in order to determine historical development. Finally, Number of Events – analysing multiple events in the two identified periods that are related by political, cultural and legal 'issue' or developments.[53]

Figure 8: Hansen Discourse Analysis Framework
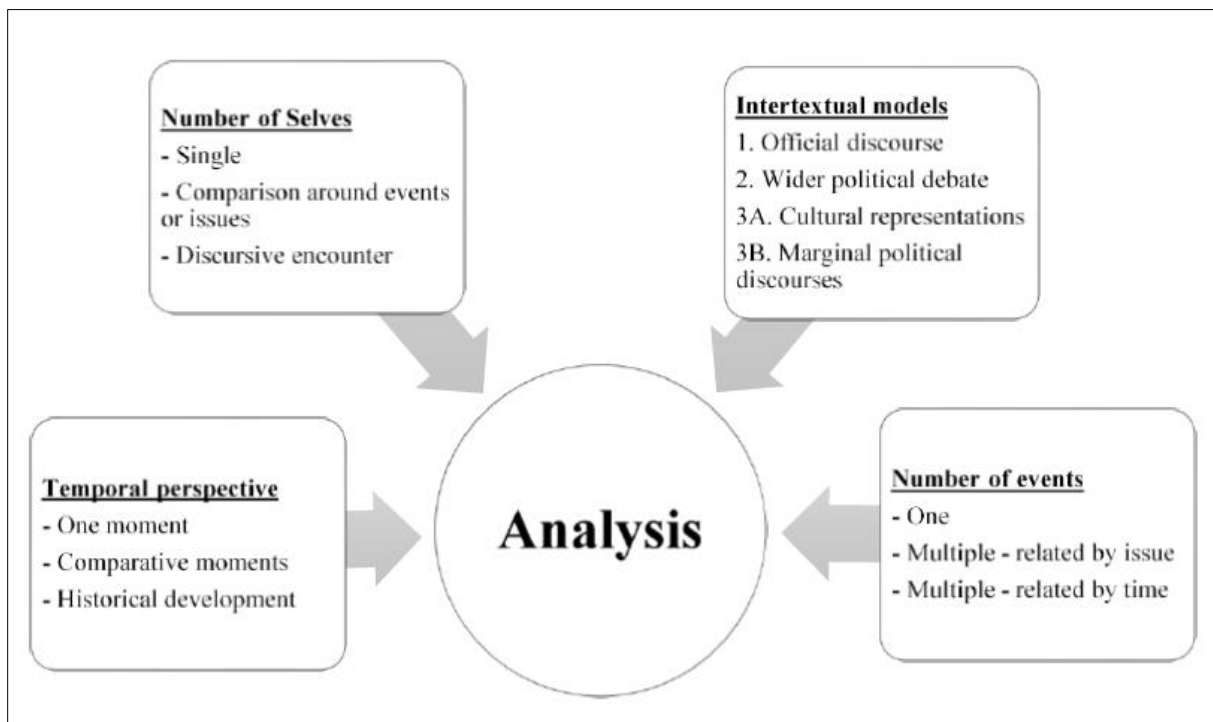
In essence, comparative analysis focuses on identifying and explaining similarities and differences. Tilly identified four types of comparative analysis: individualising, universalizing, variation-finding and encompassing.[54] I chose to employ universalizing comparison which looks to 'establish that every instance of a phenomenon follows essentially the same rule'.[55] Thus, it begins with apparent resemblances and suggests that these similarities are attributed to an underlying shared process or themes. Pickvance argues that this finding refers to 'underlying 'universal' relations. Universal does not mean 'applicable to all cases in the world' but 'applicable to all cases within the same class.[56]

Drawing on Pickvance's theory, my investigation initiates by identifying a consistent Israeli claim to Jerusalem throughout its history. This starting point aligns with the central query of my thesis: how, if at all, has the Israeli claim to Jerusalem evolved? By acknowledging the persistent nature

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[53] Hansen, L. (2006). *Security as practice: Discourse analysis and the Bosnian war.* Routledge, 72.

[54] Tilly, C. (1984). *Big structures, large processes, huge comparisons*. Russell Sage Foundation, 82.

[55] Ibid.

[56] Pickvance (2005) 11.

of this claim, I aim to delve into its historical trajectory, meticulously examining any shifts, developments, or transformations over time. Thus, the theoretical foundation provided by Pickvance serves as a lens through which I explore the evolution of the Israeli claim to Jerusalem.

By adopting this universalizing approach, my starting point involves recognizing a persistent similarity in the Israeli claim to Jerusalem over time. From this identified commonality, my objective is to meticulously assess the evolution and development of the claim, considering its changing character and focus. Thus, the ultimate goal is to provide an explanation for the principle of universality and demonstrate the extent to which it is applicable through a rigorous comparative analysis.

Figure 9: Pickvance's Table of the Two Types of Comparative Analysis

		End point: explanation in terms of	
		Principle of variation	Principle of universality
Starting point:	Observed or constructed differences	A *Differentiating comparative analysis*	B
	Observed or constructed similarities	C	D *Universalizing comparative analysis*

In terms of the choice or framing of this comparative analysis across the two respective timespans - Przeworski and Teune delineate two discerning strategies for case selection in comparative analysis: the 'most different systems' and 'most similar systems' designs. I have evidently embraced the latter approach, comparing a similar case through two timespans, following their contention that this diminishes the risk of uncontrolled variables influencing the relationship of interest.[57]

This represents a comparative historical analysis (CHA), something which is explained by Ferragina as combining 'two major methodological tools of social science, comparison (the study of similarities and differences across cases) and history (the analysis of processes of change in their temporal dimension), to help explain large scale outcomes on a variety of topics'. Ferragina further notes the usefulness of this framework to account for policy framing and change.[58]

Of course, Ferragina reminds us that CHA, like all methods of analysis, has certain strengths and limitations. Whilst she argues that it is 'unique in helping to address big questions and the analysis of political processes…allows one to consider with care the specificity of cases, observe their long term development, proposing in the end contingent generalisations', she also recognises the limitations of such an approach. Noting that it is less systematic than some other forms of analysis and therefore when coming to one's conclusions, one has to be clear that they are 'contingent and limited' and that there is a 'tension between structure and agency'.[59]

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[57] Przeworski, A. and Teune, H. (1970) The Logic of Comparative Social Inquiry, Wiley.
[58] Ferragina, E. (2023). Comparative Historical Analysis. In *Policy Evaluation: Methods and Approaches*. Quebec City: Éditions science et bien commun.
[59] Ibid.

5.4. Data Analysis

This paper primarily relies on primary sources and the collection of qualitative data, gathered from government legislation with an overwhelming focus on political debate expressed in speeches, legislation and Knesset transcripts. In order to ensure the systematic and comprehensive collection of data, all major Knesset debates on Jerusalem were included. A broad range of party's debate contributions were included, not limited to merely those of the government or official opposition. Pertinent secondary sources were consulted to foster a nuanced comprehension of the subject.

The data stemming from the comparative analysis has been analysed using the qualitative thematic analysis method - identifying and reporting patterns and discordances within Israeli written and oral political discourse, centering around Jerusalem, in the two timeframes.[60] The texts were analysed in their original English translations and in their entirety. Thematic analysis aims to reveal themes within texts. Braun and Clarke argue that researchers should immerse themselves in the dataset in order to better discover patterns, meanings and discordances as I have done so.[61]

As per Braun and Clarke's advice, in my analysis, codes only became themes when they represented a level of patterned response across cases.[62] In the first phase of analysis, I read entire data sets, such as the full Knesset debates, before in the second phase, beginning to discover and note possible emerging patterns or discordances.

Limitations

Discourse analysis inevitably runs the risk of selection bias on the part of the author, cognisant of the subconscious biases all scholars possess. Although acknowledging this reality in advance can be beneficial, there is no assurance of averting biased results. Especially in the examination of a wide range of political phenomena over a long period, this issue becomes more apparent. Consequently, utilizing open questions rather than rigid hypotheses as well as focusing on primary sources can be helpful to minimize the risk of selection bias leading to inaccurate conclusions.

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[60] Braun V. & Clarke V. (2006). Using Thematic Analysis in Psychology. *Qualitative Research in Psychology*, 3(2), 77–101.
[61] Ibid.
[62] Ibid.

6. Comparative Analysis

6.1. The Early Years: 1948-1967

Overall, this period marks a foundational phase where Israel, through strong rhetoric and national unity, solidified its uncompromising stance on Jerusalem's sovereignty. During the Early Years from 1948 to 1967, Israel's stance on Jerusalem crystallised around four pivotal themes. Firstly, the nation vehemently asserted the inseparable connection between Jerusalem and Israel, adamantly rejecting any external interference in its governance. Secondly, a paramount concern for security emerged, with Israel prioritising the safety of its citizens and steadfastly opposing external oversight.

Thirdly, the historical resonance of Jerusalem played a central role, as the narrative framed resistance to alien rule, emphasising the city's profound significance in Jewish history. Lastly, a degree of national unity surfaced among leaders and Knesset members, portraying a cohesive front against attempts to impose foreign control. In essence, these interconnected themes underscore Israel's unwavering commitment to preserving Jerusalem's theoretical or claimed sovereignty during a formative period in the nation's history.

6.1.1. Political Developments

The *Corpus Separatum* Crisis

In a 1949 speech to the Knesset, Prime Minister Ben-Gurion famously proclaimed 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', denouncing UN-led attempts to compromise this.[63] From the inception of the state, this unwavering resolve to maintain Israel's claim to Jerusalem came to the fore through the armistice agreements with Arab states, commonly known as the Green Line. These accords explicitly articulated that the demarcations therein were not intended as permanent borders, with both parties retaining their respective territorial claims.[64]

Facing international proposals for a *corpus separatum* in 1949, Moshe Sharett, Israel's Foreign Minister, emphasised Israel's security concerns, rejecting external oversight. He articulated to cabinet the various demands over Jerusalem: Jews claiming it for themselves, Arabs desiring it for an Arab state, and the world calling for its internationalisation. However, Sharett, reflecting on the UN's failure to protect Jewish civilians, asserted that the security and economic well-being of Jews in Jerusalem could only be guaranteed through integration into Israel, considering Jerusalem as an integral part of Israel.[65]

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[63] Ben-Gurion D. (1949, December 5). *Prime Minister's Statement Concerning Jerusalem and the Holy Places.* Knesset.
[64] Hashemite Jordan Kingdom-Israel General Armistice Agreement (1949, April 3).
[65] Minutes of 23 February Cabinet Meeting (1949). Israel State Archives.

Denouncing the UN approach to a *corpus separatum*, Ben-Gurion emphasised the city's inherent connection to the Jewish people, declaring that the 'decision with regard to Jerusalem was made 3,000 years ago when Bel Yishai (King David) made Jerusalem the Jewish centre'. Responding to US proposals for compromise, he accepted international supervision of holy places but firmly rejected international sovereignty, comparing Jerusalem's significance to Italians' connection to Rome and the French connection to Paris.[66]

Similarly, Abba Eban, then Israel's UN representative, denounced the UN-led scheme as something that would have a negative impact on self-determination, patriotic sentiment, and regional stability and indeed described it as an alien intervention seeking to deprive the Jews of Jerusalem of their independence.[67]

Indeed, the General Assembly's attempt to impose internationalisation eventually provoked an uproar within Israeli political circles. In response to the General Assembly's attempt to impose internationalisation, on December 5 1949, Prime Minister Ben-Gurion gave an impassioned address to the Knesset which reiterated Israel's commitment to honouring existing rights regarding holy places and allowing effective U.N. supervision while rejecting alien rule over Jerusalem. Ben-Gurion linked the historical cases of Jewish exile to the War of Independence, declaring that Jewish Jerusalem would never accept alien rule after its liberation.[68]

Drawing on this theme of a heroic nation fighting alone, he then reproached the UN for its inaction during the 1948 war and proposed relocating Israel's capital and political institutions to Jerusalem, asserting that she was no longer morally bound by the original UN resolution. This sentiment was echoed by fellow members of the Knesset in the later debate, with then member of the opposition Menachem Begin, vowing to resist any attempt to subject Jerusalem to foreign control.[69]

This declaration embodies the broader belief of the Revisionist Zionist movement, of which Begin's Herut party was a constituent, that security and stability could only come from a Jewish state mirroring its pre-Roman occupation borders or in other words Eretz Yisrael Ha-Shlema.[70]

The Interbellum Period

The storm of controversy around Jerusalem re-erupted in May 1950, following the Jordanian annexation of the West Bank, including East Jerusalem. A storm which eventually subsided, although not before Begin managed to take a swipe at the government engaged in ultimately unsuccessful peace negotiations with Jordan. Begin argued that the future of the nation depended on maintaining the territorial integrity of their historical homeland. He criticised the

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[66] Ibid 669-671

[67] Ibid 672.

[68] Ben-Gurion D. (1949, December 5).

[69] Begin M. (1949, December 5). *Debate on the Prime Minister's Statement.* Knesset.

[70] Ibid.

readiness to legitimise the annexation of a portion of this homeland, including significant cities like Jerusalem, Hebron, Bethlehem, and Shechem, especially when it was under the control of a foreign ruler influenced by the British.[71]

6.1.2. Cultural Developments

The Nexus of History and Security

Israeli politicians, scholars and ordinary citizens have long rooted Israel's claim to Jerusalem in the historical and biblical nexus or identification between the Jewish people and the city. This sentiment was a prevailing motif among Israeli statesmen during the Early Years, where the reclamation and restoration of the entirety of Jerusalem stood as a paramount and enduring goal for the fledgling government.

Indeed, in the 1949 debates, members of the ruling coalition vociferously proclaimed that Jerusalem, as the eternal capital promised to the Jewish people, symbolised their nation's valour and divine covenant. This sentiment resonated across the political spectrum, blending historical discourse with contemporary security concerns, underlining the intertwined nature of Jerusalem within the Israeli identity.[72]

This sentiment was echoed across the political spectrum, encompassing religious and secular, conservative and progressive parties. Notable though, is the seamless interweaving of this historical discourse with contemporary security considerations and reminders of the existential peril Israelis had faced a mere few months before, emphasising their inherent interdependence within the Israeli identity.[73]

For example, one may consider the addresses made by Sephardi party MK's, which highlighted the challenges faced by Jewish residents during times of siege and foreign occupation. They underscored the peril of internationalising Jerusalem, equating it with abandoning the city to destruction. Further asserting that the UN's access to Jerusalem was secured through the sacrifice of Israeli lives, declaring Jerusalem as both the spiritual and eternal political capital of the State of Israel.[74]

This aligns with the increasing frustration and dissatisfaction with the international community expressed in speeches by the ruling coalition, but notably from opposition forces like *Herut*. Begin's *Herut* party consistently resisted the definition of partition borders, vehemently opposing 'the dismemberment of the homeland'. Indeed, this persistent dogmatism reflects the narrative emerging from Begin's speeches, intertwining Jewish history with contemporary reality, treating them as an unbroken continuum from patriarchs like Abraham, Isaac, and Jacob to modern

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[71] Begin M. (1950, May 3). *Annexation of the West Bank by the Hashemite Kingdom of Jordan.* Knesset.
[72] Sha'ag A. (1949, December 5). *Debate on the Prime Minister's Statement.* Knesset.
[73] Almaliah A. (1949, December 5). *Debate on the Prime Minister's Statement.* Knesset.
[74] Ibid.

Zionist figures such as Herzl and Jabotinsky, serving as the foundation for the aspiration to possess the complete, undivided territory of Israel.[75]

6.1.3. Legal Developments

Whilst the debates discussed above had certain legal aspects within them, no major legislative initiatives concerning the Israeli claim to Jerusalem took place during this period with the exception of the 1950 Knesset declaration that stated 'with the establishment of the State of Israel, Jerusalem has returned to be its capital'.[76]

6.1.4. Summary of the Early Years

This section is inevitably a short one. However, from examining the 1949 debates in particular as well as other speeches and events from the period, a number of key themes emerge which will be useful in comparing and contrasting later on.

The intertwining of history, religion, and security forms a cornerstone of Israel's claim to Jerusalem throughout the period. During the Early Years, the reclamation of the entire city was a central goal, symbolising national valour and a divine covenant. This sentiment, shared across political spectrums, underscores the city's integral role within the Israeli identity.

The identified themes encapsulate a pronounced emphasis on power, particularly manifested in military prowess, as the singular or, at the very least, the primary instrument in shaping relations between nations. Concurrently, there is a penchant for romanticising the Nation, attributing it with an exclusive source of virtue, and staunchly asserting its entitlement to all historical territories.

Within this narrative, there emerges a perception, or perhaps a deliberate portrayal, of the non-Jewish world, such as the UN, not only as inherently hostile to Israel and the Jewish people but actively engaged in efforts to cause harm to both. Notably, these perspectives are accompanied by a willingness to disregard international law and accepted norms of global conduct in the pursuit of what is perceived as the national interest.

6.2. The Post Six-Day War Era: 1967-2018

Upon Israel's capture or liberation of East Jerusalem during the Six-Day War in June 1967, the Israeli political landscape and Jewish world experienced a seismic shift, resonating both theologically and politically. The aftermath of this watershed moment is reflected in the themes

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[75] Begin M. (1966, June 28). *Address to the Herut and Liberal Centers.* HaYom.
[76] Berkowitz (2018) 16.

that emerge from the Post Six-Day War Era. Distinct themes emerge during this transformative period, reflecting the nuanced responses to newfound challenges and geopolitical shifts.

6.2.1. Political Developments

Reunification of Jerusalem Debate

The initial dual Israeli approach to the reunification involved a strategic balance of asserting the irreversibility of the reunification and underscoring its permanence whilst also Israel navigating a deliberate course to minimise international complications. Rather than opting for formal annexation, the incorporation of East Jerusalem into the state's territory was executed through an enabling law.[77]

Government ministers explained the logic of their actions as being that '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'.[78]

However, the initial divergence of opinion is exemplified by the succeeding speeches of the *HaMerkaz HaHofshi* and *Maki* delegates, both criticising the governments unloved compromise. *HaHofshi* or The Free Centre denounced the government's middle way, arguing that they had won Jerusalem and other territories by right of conquest and that they should be empowered to enforce that authority.[79]

In divergence, the *Maki* or communist delegate contended that Israel's primary goal in undertaking the military campaign was not centred on territorial acquisition and annexation and rather it was aimed at ensuring peace and securing her national existence and future. The delegate further asserted that the government's actions constituted a *de facto* annexation, posing a threat to the prospects of enduring peace and security.[80]

The initial debates surrounding the reunification of Jerusalem epitomise a certain degree of indeterminacy on the part of the government, a position which seemed to suggest the possibility of Jerusalem being included in an eventual peace deal. This notion was later quickly scuppered with the September 1967 Arab League Khartoum Resolution whose famous three noes: no peace with Israel, no negotiation with Israel, no recognition of Israel, led to a partial Israeli retreat from the principle of territory for peace towards the 'concept of defensible borders and the practice of creeping annexation'.[81]

Jerusalem: The Link in an Otherwise Fractured Political Landscape

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[77] Shapira J. (1967, June 27). *Reunification of Jerusalem.* Knesset.
[78] Ibid.
[79] Shostak E. (1967, June 27). *Reunification of Jerusalem.* Knesset.
[80] Mikunis S. (1967, June 27). *Reunification of Jerusalem.* Knesset.
[81] Morris B. (2001). *Righteous victims: a history of the Zionist-Arab conflict, 1881–1999.* John Murray, 346.

Navigating the intricate landscape of Israeli politics post-1967, the consensus surrounding Jerusalem stands as a resilient link amid broader fractures.

Justifying Israel's extension of jurisdiction over East Jerusalem in 1967, Prime Minister Eshkol emphasised the vital significance of Jerusalem to the identity of Israel, indeed stating that 'Israel without Jerusalem is Israel without a head' and arguing that Israel obtained the city as part of a legitimate war of self-defence. This assuredness can be contrasted to the clear rifts that were forming in the Israeli establishment over the broader fate of the West Bank and other territories conquered in 1967.

As plans began to emerge seeking to permanently rearrange the map so did dividing lines. Some, such as Begin, saw it as a 'war of redemption', reversing partition and permanently retaining territories for ideological or security purposes such as the Revisionist concept of Greater Israel Others like *Mapai* saw the territories conquered as bargaining chips, to be used to sue for peace and achieve diplomatic recognition of Israel from neighbouring states.[82]

Although there was agreement within Labour political circles about the necessity of preserving the Jewish character of the state and establishing defensible borders, the practical implications remained ambiguous. For instance, the government oscillated between supporting and retracting its endorsement of the Galili Plan, intended to fortify the Israeli presence in the captured territories.[83]

In contrast to this bitter debate, a broad cross-party consensus, similar to that seen in the Early Years, emerges over Jerusalem and the determination to hold onto it, despite international pressure such as from numerous UN resolutions like UNSC Resolution 252 which denounced 'all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem'.[84] This determination is evinced in the beginnings of the construction of the Ring Neighbourhoods or Ring Settlements which separate Jerusalem from the rest of the West Bank.

In a manner reminiscent of the united front witnessed during the Early Years against the *Corpus Separatum* proposal, a comparable political cohesion emerged in the inaugural debates of the Ninth Knesset in 1977. Here, amidst an otherwise fervently contentious atmosphere where Begin's coalition had just achieved a historic shift, surpassing Labour's majority, the shared position on a unified Jerusalem revealed a rare unity. The resolute denouncement of UN attempts to alter Jerusalem's status further underscored the distinctive unity forged during that pivotal moment.

Similar to his recollections of ancient and present national valour in the Early Years as part of his denouncement of the *Corpus Separatum* plan, now Prime Minister Begin declared that drawing

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[82] Shindler C. (2015). *The Rise of the Israeli Right*. Cambridge University Press, 278.
[83] Ibid 285.
[84] UNSC Res 252 (1968, May 21). UN Doc S/RES/252.

on millennia-old heritage the Israeli government would refrain from asking any nation to recognize its right to exist in its ancient capital but rather demand it. He argued that the Jewish people had an eternal historical and inalienable right to the Land of Israel, the heritage of her forefathers, implicit within his conception of a whole or undivided city of Jerusalem.[85]

Whilst much else of his speech was fiercely denounced by the now leader of the opposition, Shimon Peres, Jerusalem remained a point of consensus Peres, citing his party's position as well as record in government, noted their struggle towards preserving the unity of Jerusalem as an overarching aim.[86]

The Jerusalem Basic Law

This legislation originated as a private bill put forth by Geula Cohen, who parted ways with Begin's *Herut* party in objection to the Camp David Accords. In its initial form, the bill asserted that the boundaries of greater Jerusalem, as established after the Six-Day War, should not be infringed upon to maintain its integrity and unity. Nevertheless, this clause was eliminated after the bill's initial reading. The approved version of the Basic Law, as passed by the Israeli parliament rather stated simply that 'Jerusalem, complete and united, is the capital of Israel'.[87]

Interestingly, following the Camp David Conference in September 1978, Prime Minister Begin sent a letter to President Carter of the United States, summarizing the process of extending Israel's jurisdiction to parts of Jerusalem previously occupied by Jordan before the 1967 Six-Day War. He asserted that Jerusalem, already united, would remain Israel's eternal capital. Begin believed that, with this letter, there was no necessity for the enactment of the Basic Law.[88]

In her discourse within the Knesset plenum advocating for the Jerusalem Basic Law, Cohen articulated the necessity of the legislation not merely as a gesture 'to honor the uniqueness of Jerusalem', but also as a strategic measure to 'reinforce its political standing against those plotting against it'.[89]

The background of the bill, the Palestinian autonomy negotiations was discussed by Begin in the Knesset, noting that he had stated to President Sadat of Egypt 'Jerusalem will remain undivided; there will be freedom of access to members of all religions to their holy places, anchored in law; this will be guaranteed forever. This is our position and it will remain so'.[90]

Similar to the Israeli political maelstrom that was unleashed in the Early Years, pushing Ben-Gurion to articulate a more hardline position against the *Corpus Separatum* proposal, one may

[85] Begin M. (1977, June 20). *Presentation of the New Government.* Knesset.
[86] Peres S. (1977, June 20). *Presentation of the New Government.* Knesset.
[87] Lustick I. (1997). Has Israel Annexed East Jerusalem? *Middle East Policy Council Journal*. 5(1).
[88] Begin M. (1978, September 20). Letters Accompanying the Documents Agreed to at the Camp David Meeting on the Middle East.
[89] Cohen G. (1980, May 14). *Introduction of the Basic Law: Jerusalem, Capital of Israel.* Knesset.
[90] Begin M. (1979, March 20). *Statement to Knesset on the Israel-Egypt Peace Treaty.* Knesset.

note the parallels with the passage of UNSC Resolution 465 on 'the Arab territories occupied since 1967, including Jerusalem' and a demand of Israel to dismantle these settlements and the defiant Israeli response, passing the Basic Law a mere 3 months later.[91]

A pugnacity that was only encouraged by the sense that President Carter was pushing the dial further than what was agreed at Camp David, arguing for 'giving the Palestinian Arabs who live in East Jerusalem a right to an absentee ballot' and threatening to support European efforts to modify UNSC Resolution 242 (which called for an Israeli withdrawal only from some 'territories occupied', rather than all territories) to a wording that would be detrimental to Israel, amidst Begin's fierce objections.[92]

A stance which like in the Early Years, only served to fortify the Israeli perception of an external environment that was untrustworthy and intrinsically adversarial to Israel, actively involved in endeavours to inflict harm upon her interests. An ensuing siege mentality that was summed up by MK David Glass, a noted proponent of moderation and territorial concessions, 'When the witch hunt in the United Nations circus began, there was no choice but to back the bill'.[93]

The Oslo Process

After the enactment of the Basic Law, it was clear that a discernible Israeli national consensus remained around the continued assertion of sovereignty over an undivided Jerusalem, similar to the previous two periods. To prevent this stance from scuppering the Oslo peace talks with the Palestinians, it was mutually decided that the status of Jerusalem would remain an unresolved matter, deferred to an indeterminate, later date.

While the Oslo Accords theoretically allowed for the inclusion of Jerusalem as a potential negotiation topic, evidenced in the September 1993 Declaration of Principles, the prevailing political consensus persisted that yielding the city in exchange for peace was untenable. Yitzhak Rabin, in 1995 stated, 'If they told us peace is the price of giving up a united Jerusalem under Israeli sovereignty, my reply would be 'let's do without peace''. Similarly, his successor (and political opponent), Benjamin Netanyahu, pledged an unequivocal stance, declaring, 'No withdrawal or even discussion of the case of Jerusalem'.[94]

The Scuppering of the Camp David Summit

In reaction to an American proposal during the July 2000 Camp David Summit, Prime Minister Ehud Barak became the first Israeli premier to seriously entertain the idea of dividing Jerusalem. However, the Camp David proposal was rejected by Palestinian leader Yasser Arafat and was

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[91] UNSC Res 465 (1980, March 1). S/RES/465.
[92] Carter J. (2010). *White House Diary*. Farrar, Straus and Giroux, 418.
[93] Glass D. (1980, July 31). *Basic Law*. Ma'ariv.
[94] Gold D. (2023)*. Jerusalem in International Diplomacy.* JCPA. Accessed on 3 December 2023. https://www.jcpa.org/jcprg10.htm.

followed by the Second Intifada which like the Khartoum three noes in 1967, put to rest any serious prospect of Israeli concessions over Jerusalem.[95]

Post Camp David

The period following Camp David saw the shift of Israeli politics decisively rightwards, towards Begin's Likud party (now headed by Benjamin Netanyahu) who as stated above, very much consider the issue of Jerusalem to be a closed matter. It is therefore perhaps unsurprising that serious debate on the city fell by the wayside until the 2018 passage of the Basic Law.

6.2.2. Cultural Developments

In the post-1967 period, following the Six-Day War, the sentiment among Israeli politicians, scholars, and ordinary citizens continued to be deeply intertwined with the historical and biblical connection to Jerusalem. This represents very much a continuity of the cultural themes that emerged in the Early Years. The reunification of the city under Israeli control became a pivotal event, shaping a renewed and fervent attachment to Jerusalem. Israeli leaders and statesmen emphasized the significance of the reunification in fulfilling historical and religious aspirations as well as seeing it as a focal point for national pride and identity, fostering a collective determination to maintain Israeli sovereignty over the entire city.

The Nexus of History and Security

In a parallel manner to the Early Years, one can see the intertwining of these factors in political and cultural discourse. this theme is evidenced in the addresses given by *Aguda* MK's, a religious Haredi party.

Aguda MKs articulated that the profundity of Jerusalem's significance lay in the historical ties of their forefathers, prominent among the initial families to return to the Holy City after the Temple's destruction. They underscored a shared memory of existence under foreign rule and regarded the recent extension of Israel's sovereignty over the entire Holy Land, encompassing Jerusalem, as an epochal occurrence. Viewing it as an auspicious moment for the restitution of formerly-owned Jewish structures, they reflected on the victory's importance in the context of a collective recollection of foreign dominion—initially under the Turks and subsequently under the British.[96]

Likewise, Ben-Gurion expressed a desire to retain control over the Golan, Jerusalem, and Hebron, emphasising their biblical importance and stating that those territories should be settled both for biblical reasons and for security ones. A sentiment that was put into effect by Peres' Rafi programme.[97]

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[95] Ibid.
[96] Porush M. (1967, June 27). *Reunification of Jerusalem.* Knesset.
[97] Schindler (2015) 284.

Significantly, in the same manner as the Early Years, the seamless integration of historical narrative with present-day security concerns and reminders of recent existential threats underscores the intrinsic interdependence within the Israeli identity.

Begin passionately emphasized the profound connection of the Jewish people to the entire Land of Israel, including Jerusalem, in his 1977 speech. Describing it as the cherished and ancestral homeland, he highlighted the unwavering devotion across generations, expressing a deep love that persisted even during exile. Begin underscored the resilience of the Jewish spirit, with prayers and yearning for the land enduring throughout periods of persecution. The return to the homeland, marked by faith, rightful claim, sacrifices, and significant struggles for independence, stood as a testament to the enduring commitment to the whole Land of Israel.

Begin's speech seamlessly interwove this historical narrative with contemporary considerations. He referenced the recent existential peril faced by Israelis, emphasizing the inherent interdependence within the Israeli identity. The speech portrayed the possession of a whole and entire Land of Israel not only as a historical and ancestral legacy but also as a critical element in addressing the security concerns and challenges faced by the nation.

Indeed, one can even see a biblical positioning in Begin's response to Carter's plea for the Israeli government to consent to a government declaration that would entertain the prospect of addressing the issue of Jerusalem within the context of negotiations. Begin adhered to his defiant stance and elucidated to Carter his refusal to respond to the presidential plea, using the narrative of Rabbi Amnon of Mainz, in which Amnon sought a three-day extension from a bishop with the sole motive of delaying the decision in the hope of being spared from further pressure, with the expectation that he would eventually be left alone.[98] Ironically, mirroring the predilection of his erstwhile rival Ben-Gurion in the Early Years to turn to biblical narratives when confronted with a challenging situation.

Likewise, Cohen's speech on the eve of the passing of the Basic Law was full of ideology and the longstanding symbols of the nexus. Arguing that her bill would represent a key fight back against foreign attempts to alienate it from Israeli control, she drew a parallel between the siege of Jerusalem during the Roman Conquest and subsequent destruction of the temple and the 'siege' or 'Arab assault on Israel's sovereignty' it faced in the present day.[99]

Growth of Messianism

As events unfolded post-1967 in Jerusalem, a wave of religious and nationalistic fervour swept through the populace following the swift and decisive victory in capturing the city. The triumph seemed so complete that it evoked a sense of miraculous deliverance, giving rise to imaginative ideas such as the rebuilding of the *Beit HaMikdash* or Holy Temple.

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[98] Stein K. (1999). Heroic Diplomacy: Sadat, Kissinger, Carter, Begin and the Quest for Arab-Israeli Peace. *Routledge*, 300.
[99] Cohen (1980).

This fervour found expression in the statements of Israel Eldad, an erstwhile *Reshimat HaLohmim* MK Israel Eldad asserted that Israel had entered a Messianic era, drawing parallels to the time when David liberated Jerusalem. He envisioned a swift progression, stating, 'From then until the construction of the Temple of Solomon, only one generation passed. So will it be with us'.[100]

Such a sentiment is similarly expressed in the declarations of Zvi Yehudah Kook, son of the founder of Religious Zionism, who argued that the Jews were unique, a Chosen People, with a divine promise of the Land to them. According to Kook, there could be no dilution of this core responsibility, and the 'land for peace' formula was deemed false. Kook passionately warned that any Israeli politician returning territory would contravene a Torah dictate, a precept that grew in support over the Post Six-Day Era.[101]

Moreover, the heady religo-cultural identity of a people restored to their land of milk and honey, of a two-thousand-year-old wrong rectified and the narrative of the epoch preceding the Roman Conquest, the era of the Maccabees and Hasmoneans, profoundly animated the messianic vision. Likewise, one may consider their fervent desire to restore the Land of Israel as it existed prior to the Conquest such as through the repopulation of Judea and Samaria (including East Jerusalem) with Jewish settlers.[102]

6.2.3 Legal Developments

In the aftermath of the Six-Day War, the Israeli government indicated its desire to establish lasting Israeli control over East Jerusalem and its surrounding areas. Notably, they initially refrained from making a formal annexation declaration.

In correspondence to the Secretary-General during that period, Foreign Minister Abba Eban conveyed that the enacted measures pertained to incorporating Jerusalem into the administrative and municipal domains, providing a legal foundation for safeguarding the Holy Places of Jerusalem. He emphasized that the term 'annexation', employed in UN critiques of the measures, was deemed inappropriate. The government contended that the 1967 action did not constitute annexation and, as such, did not breach the laws governing belligerent occupation.[103]

Nonetheless, Israel enacted a series of steps to extend its law, jurisdiction, and administration to East Jerusalem through the passage of the Law and Administration Law, which authorized the government to designate areas in Eretz Yisrael subject to state jurisdiction and the Law and Administration Order, specifying the application of the state's law, jurisdiction, and administration to the designated territory.[104]

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[100] Schindler (2015) 284

[101] Ibid.

[102] Ibid.

[103] Report of the Secretary-General on Measures Taken by Israel to Change the Status of the City of Jerusalem, Report (1967, July 10). UN Doc A/6753, 3.

[104] Law and Administration Ordinance (1967).

Likewise, the Knesset took further steps by enacting a set of laws granting the Interior Ministry the authority to expand the jurisdiction of Israeli West Jerusalem or in other words 'reunify' Jerusalem. This expansion encompassed the Old City and the Arab neighbourhoods beyond the walls, which constituted the former Jordanian municipality of Jerusalem.[105] a set of steps which amounted to annexation in all but name, a fact which was made apparent in the passage of the 1980 Basic Law.

This period also saw the rise of the first legal attempts to frame Israel's claim, as discussed in the literature review, notably Yehuda Blum and others who began to elaborate on their concept of a vacuum of sovereignty that had been filled and Blum's concept of a missing reversioner.[106]

Jerusalem Basic Law (1980)

The Basic Law that was passed is of primarily declarative rather than practical significance. It stated that:

> 'Jerusalem, complete and united, is the capital of Israel; Jerusalem is the seat of the President of the State, the Knesset, the Government and the Supreme Court; The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings towards those places'.[107]

Concerning these declarations, there is an absence of novel or groundbreaking content or anything that actually changed the prior existing *status quo*. As aforementioned, prior to the enactment of the Basic Law, the Israeli government considered a united Jerusalem to be its capital and it was already treated as such by Israeli courts.

Basic Law: Israel as the Nation-State of the Jewish People (2018)

The ultimate bringing together or culmination of the political, cultural and legal themes previously expressed is in the 2018 Basic Law, which similar to its 1980 predecessor, stated that 'Jerusalem, complete and united, is the capital of Israel'. In doing so, it went further, broadly encapsulating the political and cultural norms shown previously such as the immutability of the Israeli position on Jerusalem and its link to the Nexus of History and Security, stating:

> **'Basic Principles**
>
> A. The land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established.

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[105] Municipalities Ordinance (1967).
[106] Blum (1968).
[107] Basic Law (1980).

B. The State of Israel is the national home of the Jewish people, in which it fulfills its natural, cultural, religious, and historical right to self-determination.

Jewish Settlement

A. The state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation'.[108]

6.2.4. Summary of the Post Six-Day War Era

Post Six-Day War, Israel engaged in a delicate strategic dance of reunification, a pivotal theme marked by internal debates and indeterminacy regarding Jerusalem's fate. This fleeting phase, abruptly halted by the Arab League's resolute rejection, gave the upper hand to those underscoring an emphasis on irreversibility, permanence and Israeli sovereignty. The theme encapsulates anba initial nuanced approach, avoiding formal annexation while delicately navigating the balance between asserting control and sidestepping international entanglements.

Amidst a landscape of political fractures and heated debates on broader territorial issues, Jerusalem emerged as a bastion of unity and consensus. Against the divisive backdrop, the city stood as a unifying force, emphasizing its exceptional status. This theme highlights Jerusalem's unique role as a focal point, creating cohesion in an otherwise politically fractured environment.

In response to perceived threats and external pressures, Israel adopted a resolute stance, exemplified by the enactment of the Jerusalem Basic Law. This legislative move, emphasizing Jerusalem's unity, aligned with a broader theme from the preceding period—placing power as a primary tool in shaping international relations. The adoption of a defiant stance against perceived external hostility such as the use of international law and UN resolutions as a weapon of aggression against Israeli interests, became a central motif in this era.

In the Post Six-Day War era, Israel's identity intertwines history, religion, and security, evolving into a complex narrative. The profound connection to Jerusalem becomes integral, not merely as a geopolitical claim but as a symbol of resilience against external threats. This nexus matures, giving rise to a Messianic fervour—a fundamental belief in the restoration of an intact Jewish state with control over religious sites like the Temple Mount. The themes of history, religion, and security converge, shaping a narrative that surpasses mere territorial claims to embody a divine promise and historical destiny.

In terms of legal developments, navigating a cautious path, Israel initially refrains from outright annexation, using enabling legislation to incorporate East Jerusalem. This legal strategy reflects a deliberate move to assert control while avoiding immediate international repercussions. Simultaneously, the era witnesses the growth of legal arguments justifying Israel's claim to Jerusalem. This legal evolution aligns with the broader themes, representing a shift from strategic

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[108] Basic Law (2018).

caution to a more assertive legal posture that culminates in the enactment of the Jerusalem Basic Law.

6.3. Comparison of the Two Periods

In essence, as we traverse the transition from the Early Years to the Post Six-Day War Era, a subtle evolution in style emerges, intricately layered upon an unwavering foundation of substance. The steadfast commitment to Jerusalem, and the Israeli claim to the entire city as a unifying force, endures as a perennial constant. What undergoes transformation is the manner in which this commitment finds expression. Through comparing the periods, a number of themes become evident as well as some variances.

6.3.1. Themes Identified

Across this historical journey, the foundational commitment and unwavering focus on Jerusalem by Israel persist with remarkable tenacity. The belief in external forces, symbolized by entities like the UN, actively working against Israeli interests endures as a constant undercurrent. As the narrative undergoes shifts and styles evolve in response to dynamic geopolitical landscapes, the essence of Israeli determination stands undiminished.

In essence, while notable developments like legislative enactments and the rise of messianism add layers to the narrative, the enduring themes from the Early Years remain the bedrock shaping Israel's resolute commitment to Jerusalem's sovereignty. The evolving style reflects a nuanced adaptation to changing circumstances, yet the substance of Israel's claim remains firmly grounded in historical, religious, and security-oriented narratives

Unifying Force

The initial assertion of an inseparable connection between Jerusalem and Israel, firmly rooted in the essence of the nation, transforms into a strategic dance of reunification in the Post Six-Day War Era. This subtle shift in style underscores an emphasis on irreversibility and permanence while delicately navigating international complexities. The formative themes of national valour and divine covenant persist but take on new shades, reflecting the transformed geopolitical landscape.

In the genesis of this era, the delicate choreography of reunification unfolds, characterized by internal deliberations and a certain ambiguity regarding Jerusalem's destiny. This nuanced phase, abruptly terminated by the Arab League's steadfast rejection of a peace agreement, transitions into what can be perceived as a continuation of the thematic essence cultivated during the Early Years.

Within the tapestry of political tumult and debates, Jerusalem emerges as an impregnable bastion of unity and consensus in the Post Six-Day War Era, much akin to its role in the Early

Years. The city's singular status evolves into a unifying force, weaving a thread of cohesion through an otherwise politically fractured environment. Exemplified by the historical resonance of Jerusalem, framing a narrative of resistance against alien rule. The enduring spirit of Jerusalem as a unifying emblem remains undiminished, providing continuity amid the dynamic currents of geopolitical evolution.

Continued Rejection of External Interference

The pronounced emphasis on power as a primary instrument in shaping international relations and a penchant for romanticizing the nation, attributing it with exclusive virtue, and staunchly asserting entitlement to historical territories endures, although not quite as notably.

The rejection of external interference in governance echoes resolutely, emphasizing Israel's unwavering commitment to autonomy and self-determination. This steadfast attitude remains a constant thread throughout the nation's evolving stance on Jerusalem. The perception of the non-Jewish world, particularly entities like the UN, as inherently hostile and actively engaged in causing harm remains a recurring theme. The willingness to disregard international norms in pursuit of perceived national interest persists across the historical continuum, particularly with regard to UN resolutions.

Concern for Security

Security, a paramount concern in the Early Years, continues to echo through the Post Six-Day War Era. Yet, the resolute stance adopted by Israel, symbolized by the enactment of the Jerusalem Basic Law, signifies a maturation in style. Security remains non-negotiable, but the approach becomes more assertive, incorporating legal initiatives to fortify Jerusalem against perceived external threats.

Historical and Cultural Resonance

The historical resonance of Jerusalem as a symbol of resistance and profound significance in Jewish history transcends the temporal gap. The narrative framing the city's historical importance serves as an enduring motif, reflecting a deep intertwining of sentiments with Jerusalem's historical and biblical connection, echoing themes from the Early Years.

Leaders continued to intertwine historical narratives with contemporary considerations, emphasizing the profound connection to the entire Land of Israel. This approach echoed patterns seen in the Early Years, where leaders turned to historical narratives to navigate challenges.

Likewise, MK's underscored a shared memory of existence under foreign rule and regarded Israel's sovereignty over the entire Holy Land, including Jerusalem, as an epochal occurrence. This seamless integration of historical narrative with present-day security concerns mirrored the intrinsic interdependence within the Israeli identity, akin to the Early Years.

6.3.2. Variances on the Themes

Development of Messianism

The growth of Messianism post-1967 revealed a wave of religious and nationalistic fervour, envisioning a divine promise of the Land to the Jews. This fervour, rooted in a sense of miraculous deliverance, demonstrated a cultural evolution intertwining historical, religious, and security themes in shaping the Israeli identity and its commitment to Jerusalem.

Legal Changes

Legal developments witness a change, with an emphasis on legislation securing Israel's position. In the Post Six-Day War Era, the assertive stance culminates in the Jerusalem Basic Law. The style of legal manoeuvring evolves, reflecting a strategic shift from caution to assertiveness. The substance, however, remains rooted in the determination to safeguard Jerusalem's sovereignty.

7. <u>Conclusion</u>

This thesis focused on the Israeli claim to Jerusalem within the two identified time periods, with the aim of examining how this has evolved. The ultimate motive for this analysis was a seeming discord between a development of academic arguments such as the move away from the vacuum of sovereignty theory towards *Uti Possidetis* and a perpetual Israeli claim to Jerusalem through this time.

Bearing this in mind, the thesis endeavoured to examine the Israeli claim as expressed through political and other discourse in the Early Years (1948 – 1967) and the Post Six-Day War era (1967 – 2018) with regard to: 1) political developments; 2) cultural developments and 3) legal developments. In doing so, it followed the universalising approach, seeker to uncover whether there were deeper processes or in other words, common themes.

The question of whether there has been an evolution of the Israeli claim to Jerusalem yields a nuanced answer. While there is a discernible evolution in style, particularly evident in the two-fold rise of messianism post the Six-Day War and legal shifts towards outright annexation, the substance of the claim remains fundamentally constant. The concerns and arguments of Israeli politicians from 1948 remarkably echo those of 1980 and 2018, remaining as Netanyahu put it, 'the bedrock of our existence'. Therefore, in answer to the original question posed, one could state: yes to an extent but only a superficial one

Starting with the issue of political developments, given that the Six-Day War was such a momentous moment in Israel's history and that indeed its entire existence since 1948 has been fraught with political conflict and upheaval, it was apparent from the outset that this area would be of prominent importance.

Both the Early Years and the Post Six-Day War Era underlined a paramount importance attached to Jerusalem that transcended political divides. This theme was demonstrated in the political unity over the issue with both Labour and Likud MK's and leaders expressing their fierce support for a unified Jerusalem. Nevertheless, it should be noted that this theme does contain two key outliers in the Post Six-Day War Era with the 1967 debates as well as Camp David proposals, the sentiments of which were quickly quashed with the Khartoum three no's and Second Intifada that further strengthened and emboldened the consensus around the non-negotiability of Jerusalem.

Likewise, one can see a visible continued theme of mistrust and wariness of foreign or international attempts to interfere in the settlement of the status of Jerusalem. Particularly, the rhetoric of Revisionist or Likud politicians evinced a strong reactive quality, hardening and more assertively stating their position in response to external interference, building on a lesser motif of Labour politics in the Early Years. Indeed, this wariness extends towards a dismissal of elements of international law such as UNSC resolutions in favour of the national interest. An interest synopsized through the timespans as one of virtue, buttressed by power.

The second issue that was examined was cultural developments. Here the importance and identification of a nexus of history and security was demonstrable throughout both the Early Years and the Post Six-Day War Era. Particularly, in the Early Years, this was expressed by linking and drawing a parallel from the Jewish history of struggle and conquest from alien forces such as the Romans to present-day circumstances. Similarly, the overall position of the Post Six-Day War Era reflected this sentiment, expressing the pivotal role Jerusalem played in the conceptualisation of Jewish and Israeli history as a symbol of a restoration of national identity.

Building on this but going so much further as to constitute a theme of its own, the Post Six-Day War Era did demonstrate the rise of Messianism which though related to the nexus, demonstrates a newfound religo-cultural fervour that places Jerusalem at the heart of a divine or redeemed Israeli mission, in a manner not quite seen in the Early Years. This messianic desire to recover and repopulate the entirety of the historical Land of Israel with Jews and the concept of a people restored to their ancient patrimony found notable expression in the 2018 Basic Law which explicitly promoted settlements.

The third area examined, legal developments, is the one in which there is most clearly a substantive evolution of the Israeli claim. From a virtual absence in the Early Years, there grew at first what one may consider the middle way of undeclared annexation through successive pieces of legislation that solidified and legitimised Israeli control. This then developed into outright annexation with the passing of the 1980 Basic Law that clearly and far more assertively staked Israel's claim to a united city. An assertive position similarly seen in the 2018 Basic Law.

Indeed, one could note the parallel of this evolution to the shift in Israeli academic discourse from the far more timid approach of Lauterpacht and Vacuum of Sovereignty tradition who focused on Israel having merely the best available claim against Jordan's belligerent annexation to the strident ascendancy of the *Uti Possidetis* school of thought with their far more aggressive stance on Israel's legal right to the city.

Ultimately, the Israeli claim to Jerusalem before and after the Six-Day War was examined in this thesis. Given the constant Israeli claim since 1948, indeed the unceasing Jewish claim since the fall of the Temple and the Roman Conquest, in all three areas examined, there was a substantial endeavour to develop and strengthen the connection to Jerusalem.

Based on the findings of this analysis, the persistent themes identified across the time periods, serve as a manifestation of this deeper level or underlying shared process. This deeper level of commonality suggests a continuity in the fundamental principles shaping the Israeli claim to Jerusalem.

This deeper level of commonality implies a shared underpinning, suggesting a continuity in the fundamental principles shaping the Israeli claim to Jerusalem. In essence, it is through the exploration of these enduring themes that the investigation endeavours to expose the persistent, underlying processes that have consistently influenced the articulation of Israel's claim over time.

Political and cultural discourse were therefore useful in this regard, evolving in what I would assess as only a superficial rather than substantive manner. As such, when assuming both proactive and reactive approaches, their positions and policy preferences remained fundamentally in accordance with the broader themes.

Nonetheless, my findings come with certain caveats. Firstly, it was at times unclear as to how to read the official and implied positions demonstrated by successive pieces of legislation due to a lack of transparency. This could either be due to an ultimate or eventual aim of creeping annexation, as the themes and the findings of this paper suggest or it could be attributed to other factors such as a genuine indeterminacy on the issue.

Secondly, there is much potential for further research such as utilising different data sets entirely with interviews with prominent Israeli political, cultural and legal representatives. Finally, from my point of view, it would be interesting to compare the findings of this analysis and go one step further, linking it to theories such as why the Israeli government and society act in the manner they do such as those previously postulated of a national siege mentality or as I would hone more specifically: what I refer to as the *Haganah* (defence) identity. Hence, further and more comprehensive analysis would, presumably, benefit in helping to better comprehend the Israeli claim to Jerusalem before and after the Six-Day War.

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Universiteit Leiden

Declaration of Academic Integrity

Hereby, I declare that I have composed the present thesis paper - *'The Bedrock of Our Existence':*
An Analysis of the Israeli Claim to Jerusalem before and after the Six-Day War, independently on
my own and without the use of any literature and aids other than quoted. All thoughts taken
directly or indirectly from external sources are properly indicated as such.

This paper has neither been previously submitted to another authority nor has it been published
yet.

Name: _____ Adam Silberman_

Date: _22/12/2023_____