

## DID ISRAEL'S FOUNDERS DECLARE A SECULAR STATE?

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**Going by the usual telling of the founding, religious and secular Jews clashed over whether Israel's declaration should evoke God's covenantal promise. How accurate is that account?**

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*This is the fourth installment in the historian Martin Kramer's series on how Israel's declaration of independence came about, and what the text reveals about the country it brought into being. Previous installments can be seen [here](#).—The Editors*

If today's Israelis know one thing about the debate surrounding their country's declaration of independence, it can be summed up in two words: *Tsur Yisrael*, "the Rock of Israel." The declaration ends with these words: "Placing our trust in the Rock of Israel, we affix our signatures to this proclamation." The debate over the formula is famous because some of it took place in public—that is, at a meeting of the People's Council on May 14 just hours before independence was declared.

The usual telling of the story goes like this: at the Council meeting, religious Jews clashed with secular Jews over whether to link their names to an explicit announcement of their trust in, specifically, God. The argument went back and forth until David Ben-Gurion proposed that everyone sign while placing trust not in God but in a substitute expression: *Tsur Yisrael*, "the Rock of Israel."



David Ben-Gurion signing the Israeli Declaration of Independence held by Moshe Sharett with Eliezer Kaplan looking on on May 14, 1948. *National Photo Collection of Israel.*

Further debate ensued. On the one hand, was not this formula itself just one of the fixed epithets of God, which is how it functions repeatedly in the Hebrew Bible (see Genesis 49:24, 2Samuel 23:3, Isaiah 30:29, Psalms 19:15, etc.) and in Jewish liturgy? Or, on the other hand, could it be seen simply as a euphemism for the rock-like inner strength of the *people*? Either way, it proved sufficiently vague that, for separate reasons, both an Orthodox Jew and an atheistic Communist could accept the phrase and sign. And so they did, thereby lending a sheen of consensus and unity to the first jujitsu match between religious and secular in the history of the state.

So the story goes. But how and where did this ingenious formula crop up in the first place? Once again, we are indebted to the legal scholar Yoram Shachar for getting to the bottom of the matter. In fact it wasn't introduced at the last minute by Ben-Gurion (soon to serve as Israel's prime minister), or before him by Moshe Shertok (soon to serve as Israel's foreign minister), or before him by the jurist Zvi Berenson. Rather, it was in the very first draft of the declaration, drawn up three weeks earlier by the young lawyer Mordechai Beham, whom we've met earlier in the [second installment](#) of this series. The debate on May 14 was thus only over whether to *keep* it in, and the real story is how it got it into the first draft.

That story involves a great deal more than a single formula. A crucial issue at debate among the framers was how the state being declared should assert its claim to the land, and, in that context, whether reference should be made to a divine promise going back to the biblical patriarchs. As we shall see, the earliest drafts did just that. But, in later drafts, all mention of the divine promise was cut—with the result that, by May 14, the sole remaining allusion to God, and then not by that name, was in the concluding passage placing the signers' trust in the Rock of Israel.

Before coming back to that final moment, let's begin at the beginning.

## **Who promised the land?**

Mordechai Beham, the Tel Aviv lawyer who prepared the declaration's earliest draft, was affiliated with the legal department of the state-to-be. Born in Ukraine, the son of a lawyer, educated in law at the University of London, and formerly employed by the British mandate administration, Beham was a totally secular man, unfamiliar with Jewish sources. Three weeks before the end of the mandate he received the assignment to come up with a draft, and went home perplexed. Where to start?

Beham decided to consult his neighbor, Rabbi Harry Zvi Davidowitz, another sort of man altogether. Having studied as a youth in Lithuanian yeshivas, Davidowitz left for America with his parents in 1903. There he earned an undergraduate degree at Columbia University and completed his studies for the Conservative rabbinate at the Jewish Theological Seminary; his PhD dissertation at Dropsie College was on Arabic influences in the works of Maimonides. During World War I, he served as a U.S. military chaplain in France and later held pulpits in Philadelphia, Atlantic City, and Cleveland.

In 1934, Davidowitz spent an enjoyable sabbatical leave in Tel Aviv and decided to stay there. While running a factory, he developed a second career as a translator, becoming the first to produce Hebrew renditions of Shakespeare's *Hamlet*, *A Midsummer Night's Dream*, *Macbeth*, *The Winter's Tale*, *King Lear*, and *Othello* as well as of the Old English epic *Beowulf* and Chaucer's *Canterbury Tales*. Over the years, his ritual observance of Judaism diminished, but he remained deeply learned and owned a substantial library of books on Jewish and other subjects. More to our point here, Davidowitz in Shachar's view "had total faith in the divine source of the right of the Jewish people to the Land of Israel."

Beham, upon entering his neighbor Davidowitz's library, did two things. First, he copied out key passages from the American Declaration of Independence. Next, he transcribed passages from the King James Version (KJV) of the Bible relating to God's promise of the land—and this passage in particular:

Behold, I have set the land before you, go in and possess the land which the Lord sware unto your fathers, Abraham, Isaac, and Jacob, to give unto them and to their seed after them. (Deuteronomy 1:8)

Why this, and why not copy it in Hebrew? As concerns the latter question, Beham probably thought the primary audience for the declaration would be foreign, and, for a London-educated barrister, it was no effort to collect material in English. As to the former question: here, unequivocally, the land of Israel is the "promised land," given to the people of Israel by divine ordinance.

And that is exactly how Beham began his very first draft in English: "Whereas this Holy Land has been promised by the Lord God to our fathers, Abraham, Isaac, and Jacob, and to their seed after them. . . ." As for Beham's Hebrew text, it renders the KJV's "Lord God" as *Tsur Yisrael*, the Rock of Israel; in a later and even more explicit Hebrew version, it would appear as *Elohei Yisrael*, the God of Israel.

Shachar speculates that all of this came to Beham from Davidowitz. Beham didn't know his Bible, and prayer was foreign to him. Nor, as a practicing lawyer, had he ever given much thought to the basis for the Jewish claim to the land. Somehow Davidowitz imparted to him not only the biblical rationale but also the phrase *Tsur Yisrael* as one of the names of God.

For some members of the People's Council, needless to say, this formula would prove provocative on three counts: first, in asserting that there was a God; second, in stipulating that He was Israel's special God; and third, in stating that He promised the land to the Hebrew patriarchs. Indeed, it may be doubted that most Zionists in the Land of Israel *circa* 1948 subscribed to all or even most of these assertions. For them, the land of Israel was not a holy land promised by God but the homeland vouchsafed to the Jews by history.

Take, for one key example, David Ben-Gurion. In a 1968 interview that first appeared in the 2016 documentary film *Ben-Gurion: Epilogue*, the founding father was asked whether, like the ancient prophets, he himself turned to God for fortitude. Ben-Gurion replied, in a mocking tone:

Does God live in some place where you can contact Him? Did the prophets go to see God? They wrote down His address and went to see Him? Speaking to God [means] thinking deeply about something.

To the extent that Ben-Gurion did believe in God (and he sometimes claimed to), his was not a communicative God but One who didn't intervene in human affairs and certainly didn't make promises.

And so it is no surprise that, during subsequent redrafts of the declaration, God's promise to the patriarchs went missing, and the basis of the Jewish right to the land was asserted to reside in history. One such version began: "Whereas the Jewish people is linked from the beginning of its history to Eretz-Israel. . . ." A subsequent one offered: "By virtue of the unbreakable historic and traditional connection of the people of Israel to Eretz-Israel. . . ." Prominent documents recognizing this "connection" were also cited, among them the Palestine mandate and the partition plan adopted by the UN General Assembly in 1947. God's promise to Abraham lay on the cutting-room floor.

By the time Moshe Shertok presented his own redraft to the People's Administration, there was no mention of any historical event prior to the exile of the Jews from the land after the Roman conquest of Jerusalem and destruction of the Second Temple in 70 CE. At that point, one of the members, Bechor-Shalom Shitreet, expressed his disappointment:

The declaration begins with the people being exiled from its land. Before it was exiled, there was something: a people that upheld its religion and tradition. And it's impossible not to mention our Book of Books.

Shertok thought all of that would be superfluous: "I deliberately began with the exile," he explained:

I thought: I can't include everything going back to Abraham. I imagine that educated people know these things. No one denies that the people of Israel inhabited its country and gave the world the [Hebrew Bible]. The dispute begins with the return of the people to its land.

Here I will add a speculation of my own as to *why* Shertok and the legal department would have wished to omit mention of the promise to Abraham. Rather than an ideological aversion to citing the divinity, their reason may have been more practical. As we shall see, the declaration would make much of the November 1947 UN resolution as a license to create a Jewish state. But with that license had come the partition plan itself, which also licensed the creation of an Arab state.

By contrast, the promise that Abraham received from God had come neither with a map nor with instructions for sharing the land with anyone else. So, in accepting the UN resolution, the Zionist leadership might appear on the face of it to be forgoing half of the territory that God Himself had promised to the patriarchs. That half, moreover, included the two most prominent places identified with the patriarch Abraham: Mount Moriah, where he nearly sacrificed his son Isaac, and his own burial place in Hebron in the Cave of the Patriarchs. According to the UN, the first of

these was to become a part of an internationalized Jerusalem, and the second to be included in the Arab state.

In the founders' thinking, should the declaration of independence go out of its way to remind the new Israelis of a promise their leaders hadn't realized? When one of their aims was to win recognition of the state by the international community, should the declaration of independence insinuate that perhaps the Jewish state wasn't so reconciled to partition?

If my speculation is correct, then God's promise to Abraham fell by the wayside not just because the drafters didn't believe it ever happened but because highlighting it would embarrass the new state both at home and abroad.

It was Ben-Gurion who tried to fill the historical gap. He did so, on the eve of the last day, by summarily adding a new opening paragraph to the declaration's then-final draft. It affirms:

Eretz-Israel was the birthplace of the Jewish people. Here their spiritual, religious, and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance, and gave to the world the eternal Book of Books.

In this formulation, the right of the Jews does go back to the beginning; it arises, however, not from divine designation but from the birth of the people in the land and then a series of further firsts, including ancient statehood. The world is reminded of the Book of Books, but God is not cited as the author and the book is not called sacred but instead "eternal," a book shared by the Jewish people with all mankind.

Nor is this Ben-Gurion's only careful focusing of the declaration's historical claims. Tellingly, the new opening evades the revelation at Mount Sinai, where Israel received the Law. A believer might argue that the Jewish people, as a people, first arose *there*. But that event took place outside the land; instead, the declaration asserts, everything significant in the formation of the Jewish people happened *here*.

Once again, the point is to strengthen the crucial claim that the new state is being proclaimed "by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly." Ultimately, these are the claim's two foundations: "natural right," which echoes Thomas Jefferson's "laws of nature and of nature's god" in the American Declaration of Independence; and "historic right." Both are bolstered through having been recognized by the international community in the form of the UN.

Naturally, Ben-Gurion's omission of the divine promise drew unfavorable comment. Thus, at the May 14 meeting just prior to the ceremony proclaiming independence, David-Zvi Pinkas, of the religious-Zionist Mizrahi movement, argued that the declaration should have opened with this passage: "Eretz Israel is the land given to the people of Israel according to the Torah and the prophets."

Two days later, *after* the state was declared, a further series of reservations was issued by Meir David Levinstein, who headed the Tel Aviv branch of Agudat Yisrael. The declaration, he said, ignored “our sole right to Eretz Israel, based on the covenant between God and our father Abraham and the many promises that recur in the [Bible].” Moreover, the declaration also ignored “the special character of our land, a holy land, designated for the people of Israel not just for its independent rule but above all for leading a life of holiness and purification.”

Yet, despite their strong dissents, both of these two men, as well as their like-minded colleagues, had signed the declaration. Why?

For Levinstein the answer lay in the urgency of the present moment and the imminent outbreak of war, which demanded Jewish solidarity. He signed, in his words,

in recognition of the heavy responsibility and the danger that surrounds us on all sides, so the peoples of the world would not interpret our reservations over the secular form and formula of the declaration as a division within the camp of Israel.

Years later, Rabbi Kalman Kahana, an ultra-Orthodox signatory from Poalei Agudat Yisrael, said something similar:

Everything was subsumed under one question: how to strengthen the security of the state, how to do that so it could withstand the attacks. It was a real matter of *pikuaḥ nefesh*, and because of *pikuaḥ nefesh* we had to make concessions, which under other circumstances we certainly wouldn't have made.

*Pikuaḥ nefesh*, which might be described as the emergency provision in Jewish law, is the principle that preserving human life trumps almost any strictly religious consideration.

But this suggests that the declaration did not, in fact, reflect some kind of perfect consensus among religious believers, secular non-believers, and in-betweeners. Rather, the religious believers were prepared to sit on their reservations because of the emergency—and also because, in 1948, they were still very much in the minority. Yes, all parties had signed; but some did so because of their agreement with it, others despite their disagreements with it.

Which brings us back to *Tsur Yisrael*.

## **Rocky interpretations**

One of the things that made it possible for the believers to sign was the presence of these words at the very end: “Placing our trust in the Rock of Israel, we affix our signatures to this proclamation.” This, too, can be precisely traced to the words of the American founders that Mordechai Beham copied out from the Declaration of Independence: “And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.”

In translating the passage into Hebrew, as we have seen, Beham rendered the phrase “Divine Providence” as *Tsur Yisrael*. Whether or not this owed directly to Rabbi Davidowitz’s influence, as Yoram Shachar is convinced, the important point is that—unlike the specific invocation of God’s promise to Abraham—the mention of *Tsur Yisrael* survived the many redrafts and edits until it reached the very end of the process. Then and only then did objections arise, and this time not from the religious believers but from secularists and atheists.

Their problem was simple: how could they be asked to sign a declaration professing trust in a God they knew didn’t exist? Wouldn’t that constitute a blatant example of religious coercion, at the very birth of the state?

The debate erupted on May 13, the eve of declaration day, in the last meeting of the People’s Administration. Aharon Zisling of Mapam, the party to the left of Ben-Gurion, said he couldn’t express his trust in something he disbelieved: “It shouldn’t be imposed on me and those like me to proclaim that ‘I believe.’ I ask for this passage to be deleted.”

Against this, the religiously observant members pushed back hard. The remarks of Chaim Moshe Shapira, who had headed the Jewish Agency’s department of immigration since 1934, and who would go on to serve as a minister in every Israeli cabinet until his death in 1970, are worth quoting at length:

I cannot imagine that in a historic document such as this, the heavenly name would go missing. You needn’t be religious, but it’s unthinkable not to mention the heavenly name when we stand to establish the Hebrew state. I’m ready to take a poll of all the Jewish heretics on earth, to see if they think it’s wrong. If someone can’t sign the document [as it is], then we are unable to sign it in the way it’s proposed by Zisling. It is difficult for us to reconcile ourselves to the omission of the God of Israel. Jews are being killed every day with “Hear O Israel!” on their lips. I would prefer “God of Israel” and not just “Rock of Israel and its Redeemer” [actually, the phrase “and its Redeemer” was not present], but the compromise has already been struck.

Rabbi Yehuda Fishman, who would become Israel’s first minister of religion, chimed in: “I haven’t seen a single important declaration by the nations of the world where the name of God isn’t mentioned, except for [Soviet] Russia.”

Ben-Gurion now had a problem on his hand. Calculating rapidly, he decided that it was Zisling who would have to stand down. “I am a person like Zisling,” Ben-Gurion said—that is, a skeptic when it comes to religion—

but I can sign this passage wholeheartedly. I understand what the “Rock of Israel” is. And the proposed compromise is a fair one of Jewish friendship. As we stand on the brink of independence, we have to be careful not to sharpen disagreements.

Shapira, seeing where Ben-Gurion had come down, then pressed his advantage to argue for adding to “the Rock of Israel” the phrase “and its Redeemer”—which, not least because the conjoined expression is a fixture in daily Jewish prayer, would make it even clearer that the

reference was to God. But now Ben-Gurion pushed back the other way: “In what is called a matter of conscience,” he said, “adding just detracts. When you say *Tsur Yisrael*, for you it says everything, but I have to be able to explain to my children who aren’t religious why I signed this wholeheartedly and with a clear conscience.”

The issue seemed resolved, but it came up again the next day in the People’s Council, with the same protagonists. Again Ben-Gurion insisted that the draft be left alone:

Each of us, according to his way and understanding, believes in *Tsur Yisrael* as he understands it. There is no imposition or coercion—here I express my own Jewish and human opinion—when we say we trust in *Tsur Yisrael*. I know what *Tsur Yisrael* is, and I trust it. I’m sure my colleagues on the right know perfectly well whom they trust, and I also know well whom my colleagues from the other side trust. I have a request: that I not be forced to put this passage to a vote.

They didn’t force him, and the passage went into the declaration as submitted.

## Religion finessed

The question of religion, then, wasn’t resolved by the declaration of independence. Rather, it was finessed, and Ben-Gurion could finesse it largely because five Arab armies were about to invade the country.

But if it would be a stretch to say that the declaration represented a consensus, it would be another stretch to say that it split the difference between secular and religious perspectives. Indeed, it is hard to describe the declaration, in the balance, as anything other than a secular document. Its peculiar omissions and emphases, especially in the later stages of drafting, reflected the sensibilities of the secular drafters.

Thus, the claim of the Jews to the land is based on history and natural right, not on divine promise. Similarly, Judaism is conceived as something the Jews invented themselves—and not during a mythic trek in the desert where God appeared to them but in the Land of Israel. Finally, the only promises worth anything in the present were made not by God but by Lord Balfour and the United Nations.

As a result, the semantic struggle over *Tsur Yisrael*, such as it was, came down to the minimal concession that would be required in order to secure the signatures of the religious believers. In the end, Ben-Gurion managed to put everyone’s signature on the parchment just before the Sabbath came in.

Later on, however, religion, more than any other issue, would make it impossible to compose a constitution for Israel. The declaration, which ideally would have moved Israel closer to a future constitution, instead simply reflected the balance of forces at that moment in time. Nor would the religious factions, being then at a disadvantage, have had any interest in translating the

declaration into a constitution certain to incorporate the same set of preferences. In the exhausted aftermath of the War of Independence, there was no impetus to draft a constitution, and there is none to this day.

Two stories serve as fitting conclusions to this episode. First, in the process of adding his signature to the scroll, Rabbi Fishman, who would later become Israel's first minister of religion, made a small emendation. This is how he would tell the story:

When my turn came to sign the scroll, I wrote my name just as everyone else had, but that didn't suffice for me; I wanted to add [something]. But Moshe Shertok, who was supervising the signatories, was alarmed and asked, "Rabbi Fishman, what are you doing there?" "You'll soon see for yourself," I replied. . . . He saw how I had added alongside my name four letters: *bet, ayin, zayin, heh*, [an abbreviation of the words] "with the help of God."

The good rabbi was proud to have slipped a surreptitious allusion to God into the declaration of the new Jewish state. Some might see that as a miniature allegory for the unfolding of religion-state relations in the years that followed.

The second story concerns the declaration's English version. Shertok, ever the diplomat, decided on the evening before declaration day that a translation into English should be released simultaneously with the Hebrew original. As he already knew that Ben-Gurion would insist on leaving *Tsur Yisrael* in the text, he worked late that night on a rendition of the term with aides who consulted the American declaration, the Bible, and even the speeches of Winston Churchill.

One member of the team was Fay Doron, an editor who had been named to direct the English-language radio broadcasts of Kol Yisrael, the Voice of Israel. She pointed out that the phrase "Rock of Israel" would go right over the heads of non-Jews, who wouldn't have a clue as to what it meant. "Divine providence," she reckoned, would also be confusing, belonging as it did more to the world of Christian than of Jewish theology. Jews and non-Jews around the world would expect to see a reference to God. So she proposed that *Tsur Yisrael* be translated simply as "Almighty God." As the meeting wound down at 4:00 in the morning, Shertok agreed: it would be "with trust in Almighty God."

By chance, however, when the English translation went out to the world media that day, it did not contain these words. The reason was that the document's final paragraph, in which they were embedded, also included the time and the place of the ceremony, two items that were supposed to be kept secret, and an overzealous censor cut the whole paragraph from press dispatches for foreign journalists. Thus, when the declaration was published in the U.S. on May 15, it didn't include any mention of an object of trust at all—which in America caused some surprise and even consternation. Only when the English text was broadcast on the Voice of Israel did listeners hear the phrase "Almighty God."

This story has two sequels. First, Some Orthodox believers in Israel would adduce the English translation as proof that *Tsur Yisrael* in the Hebrew declaration meant God after all, despite what

any secular signers might claim. One of them was the ultra-Orthodox signatory Kalman Kahana: “I saw something interesting. When I read the translation of the declaration of independence into English, I saw that there was no other possibility but to translate these words as God.”

Second, however, the 1948 translation wasn't an official one; it had been done only for the convenience of journalists. The official translation was very carefully compiled only fourteen years later, in 1962. Overruling the preferences of both Moshe Shertok and Fay Doron, it read as follows: “placing our trust in the ‘Rock of Israel,’ we affix our signatures to this proclamation.”

No doubt this was the more faithful translation, for it sought to restore the ambiguity of the original. But anyone surfing the Internet today can find the 1948 translation everywhere, often misidentified as the official translation. Moreover, later in 1948 Israel's first chief Ashkenazi rabbi, Yitzhak Halevi Herzog, would pen the prayer for the state. It begins: “Our Father in heaven, Rock and Redeemer of Israel, . . .” For many decades, untold multitudes of worshippers have recited this prayer in synagogue on every Sabbath and holiday, and there they encounter *Tsur Yisrael* as an obvious name for God. Few Israelis today believe it means anything else.

So the term would appear to have lost all of its ambiguity, which was what made it attractive to the drafters in the first place. But this, too, is not the last word. For that, we can conclude by returning to May 14, 1948.

Immediately after Ben-Gurion finished reading the declaration, Rabbi Fishman recited the *Shehecheyanu*, the traditional blessing of thanksgiving. This wasn't spontaneous; although many would recall being surprised, it was a planned part of the program: “Blessed are You, Lord our God, King of the Universe, Who has granted us life, sustained us, and enabled us to reach this occasion.”

A wave of emotion swept the audience. Rabbi Fishman would later recall looking out of the corner of his eye and glimpsing, of all people, the radical Mapam heretic Aharon Zisling, who had tried to keep any hint of God out of the declaration. This is what he saw:

At the museum, when I recited the blessing in front of the nation's dignitaries— suddenly I saw Zisling remove a handkerchief from his pocket and cover his bare head.

This anecdote cuts to the very essence of the paradox of what it means to be Jewish, and what it means for a state to be Jewish. It is a nationality, a history, a culture, and a religion. In each individual, as in the state as a whole, all of these elements coexist, in different proportions of immediate relevance but each with latently more significant potential. How to strike the right balance has been one of the greatest challenges facing the state of Israel. The debate over the state's declaration of independence was but the start.