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THE MOST SIGNIFICANT DOCUMENT COMPOSED BY JEWS SINCE ANTIQUITY

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The beginning of a new series investigating how the Israeli Declaration of Independence came about, and what the text reveals about the country it brought into being.

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"We hereby declare the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel."

אנו מכריזים בזאת על הקמת מדינה יהודית בארץ ישראל, היא מדינת ישראל.

David Ben-Gurion reading the Declaration of Independence on May 14, 1948 during the ceremony founding the state of Israel. *Zoltan Kluger/GPO via Getty Images*.

This sentence was proclaimed by David Ben-Gurion in Tel Aviv on Friday afternoon, May 14, 1948; in the Hebrew calendar, Iyar 5, 5708. As the most significant and consequential sentence uttered by a Jew since antiquity, it announced at once an end to 2,000 years of exile and dispersion and the restoration of the Jews' sovereign self-determination in their own land. "We hereby declare" is the modern equivalent of the biblical *hineyni*, "Here I am": an affirmation of presence and an assumption of responsibility. It is the key passage in Israel's Declaration of Independence.

Most Zionists today, and indeed most Israelis, even well-educated ones, have but a sketchy notion of what the declaration says—even though most can identify the document at glance. It can be seen hanging on the walls of government offices and school classrooms throughout Israel and in many Hebrew schools in America. Usually what is on display is a facsimile reproduction of

the parchment, with the text inscribed in a font normally reserved for sacred writing. A seal is attached, as are the reproduced signatures of the 37 signers. Older Americans may be reminded of the facsimile reproductions of the American Declaration of Independence seen in childhood.

Such an object, identifiable at a glance, can create a feeling of familiarity without communicating any clear notion of what the text actually says. Despite having lived in Israel for 40 years and been a professional historian for even longer, I had until recently only a patchy knowledge of the declaration and had never subjected its 979 Hebrew words to a deep reading or asked much about their genesis. My deeper interest dates to a few years ago when I undertook a project on the circumstances surrounding the decision to go ahead and declare independence: a decision made by the Zionist leadership in the interval between the UN partition plan, approved by the General Assembly on November 29, 1947, and the anticipated end of the British Mandate for Palestine on May 15, 1948.

Just what the decision's underlying circumstances were, and by what mechanism the decision was made, are subjects I shall come to soon. In the first phase of my study, my key focus was on the decision itself, and my findings appeared as the April 2018 essay at *Mosaic* under the title "The May 1948 Vote That Made the State of Israel."

In that essay, my major finding was that by May 1948 there really was no decision to be made: the yishuv (the Jewish community in Palestine) was primed for statehood, and the Zionist leadership moved resolutely toward declaring it as soon as Britain and the UN took their hands off of the country. The only real question was what *sort* of state to declare. As I showed in that 2018 essay, the key thing, for David Ben-Gurion, was not to commit the new state to any borders. This issue was debated in the People's Administration, the proto-government, on the very eve of independence, and Ben-Gurion won a crucial vote on the matter: the declaration would omit any mention of borders.

But this was just one issue, if a preeminent one. Over the course of my research I found myself asking whether anything else had been deliberately omitted from the declaration. Indeed, who drafted the document, on whose orders, and by what process? Who decided what went in and what went out? Here was the most significant and consequential document composed by Jews since antiquity, yet what did I know about how it came to be?

This is the gap I will attempt to fill here and in subsequent monthly installments. On detailed examination, this back-story is a gripping one, involving personalities, power struggles, and deliberations under fire. Behind the framed facsimile on the wall is a history of Jews who struggled to find the words that best expressed the spirit, the ideals, and the purpose of restored Jewish sovereignty after a hiatus of 2,000 years.

A poorly kept secret

It is important, at the outset, to read the declaration from start to finish, to experience it as it was meant to be experienced: as a single, integrated statement. But first let's go back and reconstruct the scene of its proclamation.

The physical setting, on Rothschild Boulevard, is the former home of Meir Dizengoff, Tel Aviv's first mayor. Built in 1909, it was renovated in the 1930s in the so-called "International Style." Today it is known as Independence Hall; in 1948, it was the Tel Aviv Museum, an art gallery.

The date is May 14, a Friday afternoon, and the time is 4:00 p.m., only a few hours before sundown and the onset of the Sabbath. For several days now, Zionist leaders and statesmen have been in a frenzy of activity. The British were supposed to assist a UN commission in implementing the 1947 partition plan, but they made no effort to do so and now their mandate will end on the Sabbath. They even unilaterally moved up the date, and General Sir Alan Cunningham, the last British high commissioner, has already boarded an outward-bound ship in Haifa harbor. The Union Jack is being lowered everywhere.

In the resulting void, the Jewish state, as recommended by the UN General Assembly, is about to be born. Who will recognize it? Will the world applaud? Most importantly, who will provide it with needed arms?

For months, the country has been in turmoil. Since the UN resolution in November, a civil war has raged between Jews and Arabs in Palestine. The Jews have held their own, and then some—but at great cost. They have secured a chunk but not all of the territory allotted to the Jewish state (in particular, not the Negev), and they also hold some of the territory allotted to the Arab state, including the seacoast town of Jaffa. But the 100,00 Jews of Jerusalem are under siege, and the road is too perilous to send relief convoys from Tel Aviv. Among the isolated Jerusalemites are eleven members of the People's Council, the proto-parliament, who should be at the museum in Tel Aviv for the afternoon ceremony.

In the meantime, the Jewish settlers in the Etzion Bloc, southwest of Jerusalem, have been overrun by the Arab Legion. Reports suggest that the defenders have been massacred by local Arabs. At the same moment, the armies of the neighboring Arab countries are gearing up to invade once the British decamp. There are already warnings that the Egyptian air force may bomb Tel Aviv. The Jews, at this point, have no air force of their own.

Under other circumstances, a declaration of national independence would be made at the national theater, Habimah, in the large square that it overlooks. But that would be tempting fate: nearly the entire Zionist leadership will attend the ceremony, thereby presenting a tempting target for an enemy. So the smallish museum has been chosen, invitations have been issued at the very last minute, everything is hush-hush, and the press has carried no notice of place or time. Yet, despite the supposed secrecy, Tel Aviv knows all of the details and the streets around the museum soon fill up.

The members of the People's Council who are in Tel Aviv and who will be signers of the declaration have met earlier in the afternoon, at the nearby building of the Jewish National Fund, for the purpose of debating and approving the declaration. Ben-Gurion is in the chair. He

has had only two hours of sleep, and has already spent the morning with his military chiefs. He presents the declaration, and a debate ensues. Cutting it short, he calls for a vote. On the first ballot, sixteen members vote for the declaration, eight abstain. Ben-Gurion then asks for a unanimous second ballot, and he gets it. The members now know what will be in the declaration, and all have agreed to sign it despite any reservations.

They arrive at the museum and settle into the hall. When Ben-Gurion's car pulls up, he emerges with his wife Paula to the salute of a policeman. His crisp return salute, captured on film, will become one of the iconic images of the day. The hall is now packed, standing room only.

Ben-Gurion rises, strikes a gavel, and announces that he will now read "the founding scroll" of the new state.

The text in parts and in whole

There are different ways to designate the constituent parts of the declaration, which has been divided into as many as seven or eight sections. The convention in Israel is to split it into four sections: historical preamble; proclamation; principles of the state; appeals to the world. At the conclusion of these four sections comes the affixing of signatures.

Section one, the historical preamble, is a series of chronological justifications linking the people to the land of Israel (*Eretz-Israel*) and explaining how Jewish history has led inexorably to this moment. At various junctures, that same history is invoked in making the case for Jewish rights to a state. This first section makes up fully half of the document:

> 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.

After being forcibly exiled from their land, the people kept faith with it throughout their dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, *ma'apilim* [immigrants coming to Eretz-Israel in defiance of restrictive legislation], and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all of the country's inhabitants, and aspiring toward independent nationhood.

In the year 5657 (1897), at the summons of Theodor Herzl, the spiritual father of the Jewish state, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

This right was recognized in the Balfour Declaration of November 2, 1917, and reaffirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its national home.

The catastrophe which recently befell the Jewish people—the massacre of millions of Jews in Europe—was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish state, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the comity of nations.

Survivors of the Nazi Holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions, and dangers, and never ceased to assert their right to a life of dignity, freedom, and honest toil in their national homeland.

In World War II, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi evil and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.

On November 29, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish state in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps on their part as were necessary for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their state is irrevocable.

> This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign state.

The second section comprises the proclamation of the state and its institutions. It is an act based on the assertions in the preamble:

> ACCORDINGLY WE, MEMBERS OF THE PEOPLE'S COUNCIL, REPRESENTATIVES OF THE JEWISH COMMUNITY OF ERETZ-ISRAEL AND OF THE ZIONIST MOVEMENT, ARE HERE ASSEMBLED ON THE DAY OF THE TERMINATION OF THE BRITISH MANDATE OVER ERETZ-ISRAEL AND, BY VIRTUE OF OUR NATURAL AND HISTORIC RIGHT AND ON THE STRENGTH OF THE RESOLUTION OF THE UNITED NATIONS GENERAL ASSEMBLY, HEREBY DECLARE THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL.
>
> WE DECLARE that, with effect from the moment of the termination of the Mandate, being tonight, the eve of Sabbath, Iyar 6, 5708 (May 15, 1948), until the establishment of the elected, regular authorities of the state in accordance with the constitution which shall be adopted by the Elected Constituent Assembly not later than October 1, 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish state, to be called "Israel."

Next, the third section lays out the guiding principles of the just-proclaimed state of Israel:

> THE STATE OF ISRAEL will be open for Jewish immigration and for the ingathering of the exiles; it will foster the development of the country for the benefit of all of its inhabitants; it will be based on freedom, justice, and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all of its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the holy places of all religions; and it will be faithful to the principles of the charter of the United Nations.
>
> THE STATE OF ISRAEL is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of November 29, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.

Section four then appeals to various audiences: the international community, the Arabs in and outside of Palestine, and world Jewry.

> WE APPEAL to the United Nations to assist the Jewish people in the building-up of its state and to receive the state of Israel into the comity of nations.
>
> WE APPEAL—in the very midst of the onslaught launched against us now for months—to the Arab inhabitants of the state of Israel to preserve peace and participate in the

> upbuilding of the state on the basis of full and equal citizenship and due representation in all of its provisional and permanent institutions.
>
> WE EXTEND our hand to all neighboring states and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The state of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.
>
> WE APPEAL to the Jewish people throughout the Diaspora to rally around the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream: the redemption of Israel.

Finally comes the affixing of signatures:

> PLACING OUR TRUST IN THE ROCK OF ISRAEL, WE AFFIX OUR SIGNATURES TO THIS PROCLAMATION AT THIS SESSION OF THE PROVISIONAL COUNCIL OF STATE, ON THE SOIL OF THE HOMELAND, IN THE CITY OF TEL-AVIV, ON THIS SABBATH EVE, THE 5TH DAY OF IYAR, 5708 (MAY 14,1948).

When Ben-Gurion finished reading the declaration, Rabbi Fishman-Maimon, a member of the People's Council, recited the *Sheheḥeyanu,* the blessing of thanksgiving. Many would remember it as the most moving aspect of the proceedings. The members of the People's Council then came up, one by one, to sign the parchment in alphabetical order. Moshe Shertok, the foreign-minister-in-waiting, held it as each signed his name. Blank space was left for the members who could not be present.

Some in the audience now expected a speech. But then the strains of *Hatikvah* descended from the building's second floor where the Philharmonic Orchestra had been crammed. After the anthem, Ben-Gurion banged his gavel and made this announcement: "The state of Israel has arisen. This session is adjourned."

The ceremony had lasted a little more than a half-hour. The parchment was taken off for safekeeping in the vault of the Anglo-Palestine Bank. The next morning, Tel Aviv had a taste of what was to come when Egyptian Spitfire aircraft bombed the city.

A controversial and contingent text

The declaration was written in haste, under the dual pressures of a deadline and a war. From the very outset, it was a controversial document. Even some of its signers thought it flawed, perhaps even deeply flawed. The structure, the content, and the style met with criticism from different and sometimes opposing corners. Had the authors had another few hours or days or weeks, they might have produced a different statement. What is remarkable is that in such difficult

conditions they *did* produce a lasting declaration, one that still resonates more than 70 years later.

I will address the criticisms in depth as we proceed. But by way of a preface, let me emphasize that the year 1948, the year of Israel's birth, was a cascade of dramatic and decisive events. It was above all a year of war, both between Jews and Arabs in Palestine and then between Israel and neighboring Arabs states. The famous books about that year are military histories: Dan Kurzman's *Genesis 1948,* Dominique Lapierre and Larry Collins's *O Jerusalem!,* and Benny Morris's *1948*. It was also a year of human masses on the move: an inward stream of Jewish refugees from Europe, and the flight outward of Palestinian Arab refugees.

In most accounts of 1948, the drama of the war overshadows everything else, including the declaration of independence—a brief interlude in the unfolding epic of sacrifice, courage, and suffering. In the history books the declaration thus receives only a few pages at most, and these mainly focus not on the text but on the drama surrounding the event.

The military history, at least in its broad outlines (some covered by me in past *Mosaic* essays), is relatively familiar. In what follows, therefore, the war will recede into the background as the declaration assumes the foreground, with its text assuming priority over the drama of its proclamation. True, there are many fascinating back stories about that day, May 14, 1948, and I will tell a few of them. But in the end, what is left is the declaration itself; what lives is the text.

Over the past two decades, the complicated history of the drafting of the declaration has been sorted out brilliantly by Yoram Shachar, a leading legal scholar. Relying on him, I will outline the key stages in the drafting, each of which saw major changes in the text. It is also important to know who, up to and including David Ben-Gurion, made which changes. But for our purposes, instead of going from draft to draft, it will be most useful to proceed thematically.

For instance: the next essay in this monthly series will draw out the overall characteristics of the declaration. Unlike America's Declaration of Independence, the Israeli document doesn't breathe fire—against anyone. Indeed, one might question whether it even qualifies as a declaration of independence; for if so, independence from *whom*? To answer that question, we must reconstruct the peculiar political circumstances that gave the declaration its peculiar character, and to do that we'll proceed in installments to examine the declaration for what it reveals about five themes.

For each of the five themes—each the subject of one essay—we'll analyze what the declaration says and doesn't say; whether or not an issue of principle or politics arose in the drafting stage; and how the text has been interpreted at various points over the past 70-plus years. Here follow the five themes, in order.

1. **Identity.** Who declared the state? By what authority, in whose name? The entity being declared was "a Jewish state in Eretz-Israel," but what did "Jewish state" mean to those who wrote the declaration? What does its name, Israel, reveal about the identity of the new state? If there were other alternatives—and there were—why was this name ultimately preferred?

2. **Religion.** If readers are familiar with any aspect of the declaration's composition, it is the dispute over whether or not to mention God. The debate spilled out into the public arena at the time, and was famously resolved by mention of *Tsur Yisrael,* "the Rock of Israel," in the concluding passage quoted above: "Placing our trust in *Tsur Yisrael,* we affix our signatures to this proclamation."

   We know the story of the basic tension in this passage: Ben-Gurion wanted a formula that could be signed by both an Orthodox Jew and an atheistic or Communist Jew. *Tsur Yisrael* was an ambiguous compromise. We'll reexamine this episode, but other passages in the declaration also required that choices be made about the role of divine promise in the rights of the Jewish people to the land. In general, the earliest drafts made the most references to God; with each successive draft, the number shrank, eventually reaching none. And yet *Tsur Yisrael* made the cut. So is it right or wrong to regard the declaration of independence as a secular document?

3. **Legitimacy.** How did Israel's founders express in words the legitimate claim of the Jews to statehood? What was the mix of historical, religious, and legal claims put forward in the text? Which ones were directed internally, to the Jewish community, and which externally, to the world at large? And why were some kinds of claims preferred over others?

   In particular, how much significance should be attached to the issue of *international* legitimacy? The declaration refers six times to the United Nations, mostly in connection with UN General Assembly resolution 181, recommending the partition of Palestine into Jewish and Arab states. Earlier drafts not only cited the UN resolution but affirmed that the state would be established in the borders specified on the map of the November 1947 partition plan.

   In the end, as we have seen, all mention of the borders was dropped after a very close vote in the People's Administration. What does the absence of any territorial references suggest? Did the declaration commit Israel to *any* territorial limits or configuration?

   Nor is that all. In the final draft, a reference to the 1947 UN plan as a *partition* plan was also cut at Ben-Gurion's insistence. Did the declaration reject an Arab state in Eretz-Israel?

4. **Rights**. It is often assumed that the declaration proclaimed Israel to be a Jewish and democratic state. In fact, the word "democratic" doesn't appear in the text. The omission wasn't just a matter of carelessness. The word appeared in earlier drafts but was then deleted. Why? Are there nevertheless passages that could be read as effectively insisting on the state's democratic character—so much so as to license subsequent legislation asserting that the declaration *constitutes* Israel as not only Jewish but also democratic?

And what of individual rights? Israel's declaration, like America's, justifies the establishment of the state in terms of its pledge to uphold the rights of its prospective citizens. But which rights? "We hold these Truths to be self-evident," states the American Declaration of Independence, "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." Israel's declaration also makes numerous references to rights, and these references, too, underwent an evolution in prior drafts.

Yet all but one such reference is to the *collective* rights of the Jewish people. What does that say about how the founders understood rights in the first half of the 20th century? When, in the second half, Israel's Supreme Court expanded *individual* rights, claiming a basis in the declaration's principles, was it being true to it? Similarly, what were the aspirations and apprehensions behind the declaration's discussion of collective Arab rights?

5. **Law.** If I were writing a series of essays on the American Declaration of Independence, this one would be unnecessary. The American declaration served an immediate political purpose: independence. The Bill of Rights and then the Constitution served as the foundation of American law.

   Indeed, something similar was supposed to have happened in Israel. The declaration of independence promised a convening within six months of a "constituent assembly" charged with drawing up a constitution. But because of the war and then postwar politics, this never happened.

   In the absence of a constitution, a declaration that was never meant to serve as the basis of law became a kind of quasi-constitution, retroactively vested with legal standing. Far from being only a historical document, it became and remains a presence in contemporary debates, especially over rights. Has the declaration stood up to this test? Is it really the ultimate bulwark of the Jewish and democratic state?

To this day, these five topics are among the most vexing and controversial issues surrounding Israel. Religion, borders, democracy, rule of law, rights—not to mention Zionism itself: about each, the declaration raises a host of questions not all of which it answers unequivocally. The reason had partly to do with the need to find internal consensus, and partly with the need to satisfy international opinion. Jurists today read and reread the document in the search for answers, and to discover intent.

But another way to read it is as a *contingent* document—that is, for what it tells us about a moment in the history of Israel: a defining moment, at a point where every decision and every word had fateful consequences.

Improvised Israel

The declaration isn't preserved in memory only as an image of the parchment. Equally famous is the sound of Ben-Gurion's voice reading the declaration, as well as a brief film clip of him reading parts of it. But there is no film of him reading the whole thing.

Why? After all, 1948 was already well into the age of mass media. True, the radio still ruled. When Winston Churchill and Franklin D. Roosevelt wanted to reach their audiences quickly, they did so via the radio. For some famous speeches, we have only audio, a prime example being Churchill's "darkest hour" speech after Dunkirk in 1940.

But this was also the era of newsreels in movie theaters. From 1933, for example, we have full filmed versions of Adolf Hitler's first speech as chancellor and FDR's first inaugural address. And we also have many films of famous speeches during the war years, including FDR's so-called "infamy speech" in Congress right after Pearl Harbor in 1941. So why not a full film of Ben-Gurion declaring Israel's independence?

The answer says much about the improvised nature of the whole episode. An audio version wasn't going to be a problem. A recording was made in the museum, and listeners made their own recordings from the live radio broadcast. But the only moving-picture camera at the May 14 ceremony belonged to a cinematographer, Nathan Axelrod by name, who owned a company that produced weekly newsreels. At the last minute, the Jewish Agency commissioned him to film the great occasion, but he had only four minutes of film in stock to cover a ceremony that was expected to last a half-hour.

Ben-Gurion then arranged to signal Axelrod at the most important points in the proceedings to indicate when the camera should roll. After the ceremony, the Jewish Agency press handlers cut up the film into four parts, and sent them out to various news agencies for use in newsreels. As a result, less than a minute of the original survived in Israel. At a later time, the sound recording was overlaid with this fragment, but watching it closely reveals that there is no synchronization between the movement of Ben-Gurion's lips and his words.

So we are left with Ben-Gurion's voice and some excellent still photographs, including by Robert Capa, one of the world's most famous photographers. But the absence of a good filmed version creates a certain distance between us and the declaration, as if it were something from another era, not ours.

That is not entirely bad, however. It *was* a different era, in the history of the world and in the history of the Jews: an era of desperation, uncertainty, and hope in the brief interval between the horrors of the Holocaust and the resurrection of Israel. If the new state couldn't cobble together a 30-minute film of its most historic moment, think of how difficult it must have been to fight a battle for survival with scraps of outdated technology left over from a previous war.

The fragmentary state of the film is a reminder: we must understand the founders in their own time. The certitude and security we enjoy today were utterly alien to them. The declaration is a testament not only to the supreme wisdom of its authors but also—despite everything—their sheer, unadorned courage.

This essay and the series it inaugurates is adapted from a course the author taught for the Tikvah Fund in 2018.