



Israel's Declaration of Independence

Last week, MK Bezalel Yoel Smotrich of Ichud Leumi (who is seeking the post of Minister of Justice) said in an interview that Israel should "return to the way it was run in the days of King David and King Solomon." He continued, "My desire long-term is that the State of Israel be run according to the Torah."

In response, Prime Minister Binyamin Netanyahu announced that "the State of Israel will not be a Medinat Halacha." I do not know if the Prime Minister is a reader of this column, but I would be very happy to sit down with him and discuss just what a Medinat Halacha might look like. Either at his home or mine.

The truth is, since the very birth of the State of Israel, this nascent Jewish Nation has struggled with its Jewish character: Would the Jewish State be a 'Jewish' state or a state 'for the Jews'? A religious state, or just another Western Democracy? One vivid example of this 'identity crisis' is the disagreement and debate that took place over the text of Israel's Declaration of Independence.

In late April 1948, Pinchas Rosen, head of the pre-state judicial council and later Israel's first Minister of Justice, assigned the task of drafting a

declaration to an attorney by the name of Mordechai Boehm. Boehm in turn enlisted the help of an American Conservative rabbi living in Israel, Shalom Zvi (Harry) Davidowicz. In this first draft, Rabbi Davidowicz based his text on the Declaration of Independence of the United States, and included a number of references to G-d.

This met with much opposition by secular party leaders, and changes and additions were made by Zvi Berenson, the Histadrut trade union's legal advisor and later a justice on Israel's Supreme Court.

Berenson's version was also problematic for some, and so in the days and weeks preceding the withdrawal from Palestine by British Mandatory authorities, a new draft was prepared by politicians, lawyers and writers (including Shai Agnon). The final draft of the Declaration of Independence was drafted by a small committee including David Ben-Gurion, Moshe Sharett, Rabbi Yehuda Leib Fishman-Maimon, and Aharon Zisling.

Rabbi Maimon, head of the Mizrachi party and later Israel's first Minister of Religion, along with other Religious Zionist leaders, believed strongly that Israel's Declaration of Independence should mention Hashem. After much opposition, Rabbi Maimon recommended using "Tzur Yisrael V'Go'alo - Rock of Israel and Redeemer", an expression found in Tanach and our liturgy.

But Aharon Zisling, leader of the left-wing Mapam, refused to sign the Declaration if it contained any

references to "a G-d in whom I do not believe". Other left-wing leaders felt any references to Hashem or religion represented religious coercion and were a threat to Democracy. The disagreement grew to the point where it threatened to derail the proclamation of the establishment of the Jewish state. Ben-Gurion spent much of the morning of May 14th mediating between Rav Maimon and Zisling. After hours of talks, they finally agreed on "Rock of Israel", and agreed to omit the "and Redeemer" from the text.

The Declaration of Independence begins by affirming the Jewish People's ancestral and spiritual connection to the land, but instead of the word "Torah", uses "Book of Books": "The Land of 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." The Declaration concludes: "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 Erev Shabbat, the 5th day of Iyar 5708, 14 May 1948."

Ben-Gurion was comfortable in using "Rock of Israel", as he felt every individual can decide for himself what the "Rock of Israel" means to him. But it is clear from Tanach that "Rock of Israel" is an expression of our steadfast faith in Hashem as our rock, our strength, and our protector. On his deathbed, King David says, "The Rock of Israel has spoken to me: 'Become a

ruler over men; a righteous one, who rules through the fear of G-d'" (Shmuel Bet 23:3). "Rock of Israel" is also mentioned in Yishayahu 30:29.

In Chana's prayer, she recognizes "there is no Rock like our G-d" (Shmuel Alef 2:2).

In Tehillim 18:3, Hashem is the "Rock in Whom I take shelter," and in Tehillim 19:15 he is "my Rock, and my Redeemer". In Tehillim 62:3, "He alone is my Rock and my Salvation," and in Tehillim 73:26 Hashem is the "Rock of my heart."

Other references to Hashem as our "Rock" can be found in Sefer Yishayahu and Yechezkel.

According to some, Rav Yitzchak HaLevi Herzog's choice to begin the Prayer for the Welfare of the State of Israel with "Tzur Yisrael V'Go'alo" was no coincidence. His intention was to invoke Israel's Declaration of Independence and imbue it with religious meaning.

Just hours after its final wording was decided, party leaders lined up to sign their names to the Declaration of Independence. Rabbi Yehuda Leib Fishman-Maimon added something small just above his signature: The Hebrew letters Bet, Ayin, Zayin, Hei, representing "Be'ezrat Hashem."

Hashem's name ended up on the Declaration after all!