

Exploring the Israeli Declaration of Independence

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<https://www.sefaria.org/sheets/311428.7?lang=bi>



When Israel was declared a state in 1948, David Ben-Gurion read The Israeli Declaration of Independence. This source sheet examines that text.

On November 29, 1947, the United Nations voted to adopt the Partition Plan dividing the land of Palestine then controlled by the British into a Jewish and Arab state. Shortly after this vote, the British government decided that British rule would end on midnight May 14th, 1948. The Jews would have the right to declare a state at 12am, May 15th, 1948 which falls out on the 6th of Iyyar on the Jewish calendar.

On the 5th of Iyyar, Friday May 14th, 1948, debate raged in the Jewish Council convened by David Ben Gurion about the new Jewish state's Declaration of Independence. Religious members of this Jewish assembly insisted that this declaration mention the God of Israel while many secular Zionists felt any mention of God would be blasphemy. One political party even insisted the declaration be signed at midnight when the British mandate officially expired. The religious parties asserted that such a situation would mean that the state would be "born in sin" and threatened to leave the convention as the Sabbath

approached. A compromise satisfying both the secular majority and the religious delegates seemed impossible.

David Ben Gurion realized that to succeed any declaration of Jewish statehood required all the stakeholders to agree. He proposed that rather than refer to God, Israel's declaration would end with a mention of placing trust in Tzur Yisrael, The Rock of Israel, a biblical term used as a synonym for God but one that could be interpreted differently by members of the assembly possessing a more secular outlook

How the Proclamation of the State of Israel came to be

Martin Kramer

<https://mosaicmagazine.com/observation/israel-zionism/2021/05/three-weeks-in-may-how-the-israeli-declaration-of-independence-came-together>

Israel's declaration of independence wasn't something the founders had time to debate at leisure. It was compiled over a fairly brief period of time. The active interval was about three weeks long, from the third week of April 1948 right up to the hard deadline of May 14, the day prior to the date scheduled by the British for the end of the mandate and their departure from the land.

The drafting process itself was hugely complicated. ...After various abortive starts and suggestions, the process really began on April 24, when Felix Rosenblueth (soon to be Pinhas Rosen, the future first justice minister of Israel) asked Mordechai Beham, a thirty-three-year-old Tel Aviv lawyer, to try his hand at a draft. Beham went home and in turn asked help from a friend, Harry Solomon Davidovitch, a Lithuanian Jew who in the interim had served as a Conservative rabbi in America.

Davidovich had the text of the American Declaration of Independence. Copying parts of it by hand, Beham then translated it into Hebrew, making suitable emendations along the way, and submitted his draft to Rosenblueth. Dissatisfied with what he read, Rosenblueth gave it to his friend, the future Supreme Court justice Zvi Berenson, who would later claim to have written the declaration himself over a period of 48 hours without the aid of a preliminary text. The draft—clearly drawing upon Beham—then came back to Rosenblueth, who still wasn't satisfied. So Beham and another jurist, Uri Yadin, took another stab at it. At this point, May 12, the draft went to a five-man committee effectively headed by Moshe Shertok (later Sharett, Israel's first foreign minister). Shertok worked through the night, at first from scratch but eventually making use of some of the previous draft. The next day, May 13, he presented his version to the committee, where it encountered disagreements. So David Ben-Gurion took the text home,

closeted himself in his office, and in perhaps ten minutes reduced the declaration by a quarter and added crucial elements.

The next day, May 14, Ben-Gurion presented the draft as a *fait accompli* to the People's Council, the yishuv's proto-parliament, where a truncated debate took place. Promised by Ben-Gurion that they could make amendments later, the members adopted his version and rushed off to the Tel Aviv Museum where Ben-Gurion read the text before the nation and the world. Not a word has been changed since then.

... While the declaration is identified with Ben-Gurion more than with anyone else, he didn't spend much time on it. He believed there should be a declaration of statehood, but he let others do the drafting and didn't devote much of any waking day to its content. In taking his final cut at it on the night before the declaration, he gave it his unique imprimatur but did so on the fly.

Ben-Gurion's prime concern ... seems to have been to assure that the declaration said nothing that would limit Israel's war plans. Thus, his diary entry for May 13, 1948, the day he edited the text, is almost entirely devoted to war matters. At that time the Etzion Bloc, a cluster of Jewish settlements outside Jerusalem, was under siege by the Jordanian Arab Legion. In his diary, Ben-Gurion is clearly preoccupied with this emergency: lives are at stake, and so is the fate of Jerusalem itself. Only at the end of the entry does he laconically write: "At six o'clock, a People's Council meeting to discuss the phrasing of the declaration which Moshe [Shertok] prepared. In the evening, I prepared the final edit of the draft"—namely, the draft he would offer to the People's Council for its approval in the early afternoon of the next day.

When, at that meeting, objections were raised by attendees who were seeing the draft for the first time, and Ben-Gurion responded that they could express their reservations later but that for now they should accept it, this is how he explained it to them:

"We are living in an abnormal time. First, the mandate ends today. Second, a state of emergency. Third, over the last few days we couldn't bring in a significant number of [People's Council] members stuck in Jerusalem, despite their legitimate request. . . . The purpose of the declaration isn't to delve into political clarifications (and we have lots of political scores [to settle]). Its purpose: anchoring the declaration of independence. This is its main function. I agree . . . that the text isn't the height of perfection. And there is no one among its drafters who thinks it's the height of perfection. But the purpose was to give just those things that, in our opinion, provide a basis for what we'll do today, for the people of Israel, world opinion, and the UN. We're declaring independence, nothing

more. This isn't a constitution. As for the constitution, we will have a session on Sunday, when we will deal with it."

Having been asked to put their reservations aside, the members agreed to do so as a matter of urgent expediency. Had they had time for a general debate, certain passages might have read differently. Later, the text would be canonized, and its every nuance parsed as to the intent of the "founders."

Although no one can deny such intent, it is important to remember that any phrase may read "exactly" as it does because the drafters just ran out of time to debate it.

Here is one example, related to style rather than substance. One of the changes made by Ben-Gurion was in the way paragraphs opened. In the penultimate draft by Moshe Shertok, each paragraph began with "Whereas" (ho'il v'-): "Whereas the Jewish people," "And whereas in every generation," "And whereas the Mandate," and so forth. There were nine of these, culminating with "Therefore" (l'fi-khakh) we declare the state.

The evening before the declaration, Ben-Gurion crossed out all of the "whereases."... Ben-Gurion did not believe that this kind of formulation was suitable for such a document, particularly in Hebrew, so he began his draft by simply citing a series of facts, one after the other.

Independence or statehood?

In particular, although the Israeli document is called a declaration of independence, its actual formal name is otherwise: the Proclamation of the State of Israel. Not independence, but statehood: the two may seem identical, but they are not.

The declaration doesn't even declare the state now. In its words, the state just "comes into effect from the moment of the termination of the Mandate, being tonight"—not in opposition to or rebellion against anyone but as the successor to a vacated authority.

The new Jewish state also had something going for it that the American colonies lacked. States declaring independence from another polity usually have to build their legitimacy from scratch. Israel's declaration assumes that the legitimacy of the state is a settled matter thanks to the UN General Assembly resolution of November 1947. It is the UN, says the Israeli declaration, that "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 as were necessary on their part for the implementation of that resolution." The

yishuv, in establishing a state, was simply fulfilling a requirement of the international community. In all of these respects, the circumstances of Israel's birth were an anomaly, as was duly noted by Arthur Koestler in his 1949 book **Promise and Fulfillment**:

Virtually all sovereign states have come into being through some form of violent and, at the time, lawless upheaval which after a while became accepted as a fait accompli. Nowhere in history, whether in the time of the [post-Roman Empire] migrations, the Norman Conquest, the Dutch War of Independence, or the forcible colonization of America do we find an example of a state being peacefully born by international agreement. In this respect, Israel is a freak. It is a kind of Frankenstein creation, conceived on paper, blueprinted in the mandate, hatched out in the diplomatic laboratory.

Later, Koestler writes, at the implementation stage, Israel would secure its independence in a violent cataclysm, like all other states. But, like no other state in history, it received its license to exist by a two-thirds majority vote of the world's other independent states. In declaring independence, moreover, Israel could claim to be on the side of international agreement, while the Arabs were in rebellion against it. So the declaration doesn't include a call to arms; instead, it includes a call to Israel's Arab neighbors for peace.

The Signing Ceremony

This is how the journalist and Zionist functionary Yitzhak Ziv-Av, who attended the proceedings, described them only a few days later:

The ceremony was very brief, slightly hurried, overly dry and without external markings of festivity. No features stimulating excitement or imagination. The ceremony began with the pounding of a gavel, and without words. With nothing more than a gesture of his hand Ben-Gurion invited us to stand for the singing of the anthem. While some might have expected to hear grand words—about fire, blood, shadows of the past, an end to subjugation, and an historical occasion—these words were not voiced. Everyone kept his emotions inside. One day we will appreciate the great modesty with which an embattled nation declared its state, its dream that had come true. Some perspective of time is needed for a person to understand that those 33 minutes changed him to the core—himself and every other Jew.

Indeed, the restraint in the document, as in the ceremony, was in some ways deceiving. Golda Meir, one of the two women signatories, described Shertok as “very controlled and calm as compared with me.” But, she would write in her memoirs,

he later told me that when he wrote his name on the scroll, he felt as though he were standing on a cliff with a gale blowing up all around him and nothing to hold on to except his determination not to be blown over into the raging sea below—but none of this showed at the time.

That is perhaps how best to appreciate the character both of the declaration and of the mood on that day in May: a lifeboat being outfitted in the midst of a brewing storm by a crew unbendingly determined to prevail even as the winds howl about them, water cascades over the deck, and shoals loom ahead.