

CONVERSATIONS

WITH BILL KRISTOL

Neil Rogachevsky Conversation

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Bill Kristol: Hi, I'm Bill Kristol. Welcome back to Conversations. I'm very pleased to be joined today by my friend Neil Rogachevsky, teaches at Yeshiva University, assistant professor there and associate director, I believe, of the Straus Center on Torah and Western Thought, a student of political philosophy and Judaism written on both PhD in history from Cambridge University. So lots of diverse credentials that you bring to this conversation about Israeli's Declaration of Independence, and I guess most importantly, that you've written a book that shortly to appear from Cambridge University Press, should have appeared already, frankly, but that's how university presses are I guess. Maybe we'll take this out of the final version so it's not to offend the powers that be there at Cambridge. Excellent book, which I've read in galleys, *Israel's Declaration of Independence: The History and Political Theory of the Nation's Founding Moment*, that you wrote with your co-author, Dov Zigler. So Neil, thank you for joining me today.

Neil Rogachevsky: Great to be with you, Bill.

KRISTOL: I'm looking forward to this conversation. I was talking, yesterday, telling someone, a friend, that we were going to have this conversation about Israel's Declaration of Independence. And this friend who's well educated and interested in things Israeli and Zionist and 20th century history and so forth, said that, I must say I would've had this reaction a few years ago, probably, "I didn't know there wasn't Israeli Declaration of Independence." Which is kind of striking that it's not considered, it's not something everyone knows about in terms of the founding of the state of Israel. So maybe just say a word about what is it, when does it appear, how does it fit into what was happening in 1948 and just before that as well?

ROGACHEVSKY: It's May 14th, 1948, David Ben-Gurion, the de-facto leader at that point of the *Yishuv*—the Jewish community in Palestine—assembles dignitaries, rabbis, fellow politicians in the National Museum in Tel Aviv on Rothschild Boulevard. Not the nicest museum in the whole world, but it was chosen because it was thought to be less susceptible to Egyptian bombardment. The War of Independence was about to begin, there was a much bigger theater down the street but they thought, "Oh, the Egyptians would target that. We might as well do it in this smaller venue."

KRISTOL: And the war had already begun?

ROGACHEVSKY: war had already begun. The end of the British mandate had been set for midnight, between May 14th and May 15th. The British were departing, and the thought was—more than a thought, David Ben-Gurion had great intelligence to

this effect—that the invasion of five Arab armies, was to commence immediately upon the British departure.

But the war had already begun. Scholars typically divide Israel's War of Independence into two stages. The first stage commenced after the fall/ winter of 1947, once the U.N. decides to partition the land of Palestine. Then commenced the so-called civil war stage of the War of Independence, fighting between the Jewish and Arab communities [within Palestine]. And then after Israel's Declaration on May 14th, the invasion of surrounding Arab armies commences. And the Jews had held their own, had done pretty well, even though there was some heavy sledding in the first stage of the war. In March and April, they'd scored some important victories and sort of stabilized their presence.

But Ben-Gurion, the most well-informed person, had very dark thoughts about whether this could be carried on, whether the Jewish community could survive the impending onslaught from real armies, the Egyptian army, the Jordanians, the Syrians, all heavily armed. And the Jewish community at that point was sorely lacking in both men in ammunition.

It was a very joyous occasion, when Ben-Gurion read the declaration. That room was probably one of the most rapturous rooms in Jewish history. And there was rejoicing immediately after this quick ceremony. There were *horas* and dancing in the streets in Tel Aviv. Ben-Gurion left. He didn't participate in this and had very dark thoughts. He immediately went to deal with the military impending invasion. In his diary, he mustered a few terse points. "At 4:00 PM we declared independence. The nation was jubilant, but I mourn amidst the rejoicers."

So his thoughts really were turned towards military matters. And this existential challenge, which was only gearing up on May 14th.

KRISTOL: And Jerusalem is already partly cut off from Tel Aviv?

ROGACHEVSKY: Jerusalem had been blockaded. There were dignitaries who otherwise may have attended the ceremony in Tel Aviv, who were unable to do so. A few of them were brought in on these very rustic, to say the least, prop planes. Efforts to establish a firm connection between Tel Aviv and Jerusalem had already been a major aspect of the War to that point and would continue to be so. The Jews of Jerusalem, under siege, were under strict rationing. They would be for the ensuing months until finally later that summer more reliable connection was ensured at heavy cost of blood.

KRISTOL: So this declaration is proclaimed, it's an official document, we'll talk about it in a few minutes in terms of its political theory as it were, and a little bit of relationship to the American Declaration and so forth. But it is, it's read aloud, but sort of unlike the American declaration, where there's a convention that people know is going on and there's a draft that's somewhat circulated and then proclaimed by representatives of the states in a sort of organized matter. It's a little bit ad hoc obviously, because it's not like a constitution where they have a government that can set up as it were, send delegates. This seems much more, the more ad hoc, more suddenly sort of, to talk about it. Do people know about it

ahead of time? Have people debated it much in public ahead of time? Or is it just sort of sprung on people by Ben-Gurion?

ROGACHEVSKY: The Jewish community of Palestine is left in the dark about the process of the construction of a Declaration of Independence. And more than that—we'll probably get to this, as well— there was great uncertainty about the kind of independence that would be proclaimed that day. It was clear that some version of a state was going to be declared, but the specifics of that were not known. [For instance]: many people in the room were surprised to learn that the name of the state was Israel.

KRISTOL: What else could it have been? What were this?

ROGACHEVSKY: There were alternatives. Judah was considered. There were a few other alternatives talked through. But Israel came to be accepted, this was voted upon several days before the May 14th, but only a few days before. So that wasn't widely known.

The draft process for the Declaration began just in April. There was a guy called Pinchas Rosen, known at the time as Felix Rosenblüth, soon to become the first justice minister of the state-to-be. And he was sort of scrambling around doing a million things towards the end of the British mandate, "Which laws should we keep from the British mandate? Which laws should we abolish? How do we end the White Paper restricting Jewish immigration?" He had a million things on his plate to deal with: And some kind of proclamation of independence was one of these. And he, in the first instance, delegated it down the chain to various people. And it remained within this burgeoning bureaucracy of the state until just a few days before independence, when it became an urgent matter of debate on the part of the leadership of the *Yishuv*, of the Jewish community.

KRISTOL: And the drafts were not, I think well known until somewhat recently. That's what makes possible, your book, which does focus, we'll get to this on what's in some of the drafts and what the political theory as it were, the competing political theories of the Israeli Declaration of Independence might have been and what it ended up being. But that's not something that people were talking about in 1949 or 1959 or 1969, right?

ROGACHEVSKY: It was always known that there was this drafting process, that there were various people who had been involved with drafting the earlier versions, earlier texts of the declaration. It wasn't something totally unknown. But it didn't receive a lot of attention. This goes back to the anecdote with which you began. The Declaration of Independence, or other matters which concerns the nature of the Israeli regime, didn't get a lot of airtime through much of Israeli history. And there's a good reason for that. People were intently focused on the War, the incredible story of the War of Independence, the subsequent wars. Military matters were so absorbing. And they absorbed all the greatest minds in 48. And so subsequently, in studies and Israeli history and Israeli politics, that's where most of the energy and intelligence went.

This will be seventy five years since the birth of Israel. Now the founding generation has mostly passed on—fairly recently. In the near past, if you wanted

to find out what the founders were thinking—Ben-Gurion died in 73, but Shimon Peres his protégé, was there. You want to ask what the founders were thinking? You go to talk to them! They're around. So that generation is now passed on.

And I think as a result of this, there is growing interest in looking at the works they left behind so that Israelis can orient themselves on key questions on the nature of state. "What are we doing here? What kind of state are we going to have? What's the character of our democracy? What's the relationship between religion and state? What kind of rights are we guaranteed?"

KRISTOL: No, that's good. I suppose that in the American case, I mean July 4th is celebrated very early on. There are celebrations of it, even after the Constitution is signed and ratified, July 4th remains central—more than the date of the signing of the Constitution or the ratification of the Constitution, which is an interesting thing. The centrality of the declaration, I guess independence remains central. But educate me on this, in Israel, it's a holiday very right away. And that everyone understands it's a super important moment, the declaration of the state. But it's more the founding of the state than the document isn't as central as just the fact of a Jewish state after 2000 years.

ROGACHEVSKY: Yeah, that's absolutely right. *Yom Ha'atzmaut*, Israel's Independence Day is a huge day. It's a national holiday.

KRISTOL: May 14th. It's when Ben-Gurion gives the speech.

ROGACHEVSKY: So in Israel, it's celebrated on the Hebrew calendar, *hey b'iyar*, which was May 14th in 1948. What's been celebrated has been the fact of independence. The material change from being ruled by others to self-rule, has been celebrated and rightly so. But the text? Less so. But I think there's growing interest in the text in recent years. The fact that it hasn't had this mythical hold on the Israeli mind actually tells us something.

Israel's Declaration Independence is a beautiful document, but it's also somewhat an ambiguous document. It's hard to find a community in Israel which would define its mission or the purpose of Israel or the mission of Israel in terms of doctrines that come out of the Declaration of Independence. It has sentiments which people refer to: freedom, justice, and peace in line with the vision of the prophets of Israel. There are aspects of it which are quite famous, and everyone does know the text. It appears in civics textbooks and so on. But it hasn't quite captured the public imagination the way the American Declaration, at least at various times in history, has.

KRISTOL: And I guess the, just one more thing on the American Declaration: Jefferson has a separate status as author of the Declaration. He then becomes president and so forth is very important afterwards too. And then Madison and Hamilton more on the Constitution. But in a funny way in Israel, because Ben-Gurion is both central to the declaration and then the first prime minister for what, 15 years or something. It sort of gets blurred together as if Washington had also done the declaration in the Constitution. And so, it becomes a debate about Ben-Gurion, and Ben-Gurion and Begin and it's less focused on the document and as sort of having an independent standing.

ROGACHEVSKY: As Herodotus tells us, Solon famously left Athens after drafting its constitutional laws for 10 years just to ensure that they would follow the laws and not his will. That didn't quite happen in Israel. And all of this is confounded.

[But on the other hand, the Declaration really is central to Israel]. This cuts the other way. If you're studying the American founding, you have many choices. You look at the US Declaration so central, and we can understand why, but there's a Constitution, there's the *Federalist Papers*, they're great work works written by the founders.

That's actually not the case in Israel. Israel's Declaration is really the only text from the founding period, which attempts to speak about foundational topics of political thought, which attempts to characterize the nature of the state. There's supposed to be a constitution. It's indicated that there will be one in Israel's Declaration. But that's a dead letter. It promises a constitution that never occurs for some complicated reasons. And therefore, Israel's Declaration was left as *the* text, which you can look at to try to figure out "what kind of state were the Israelis trying to found in 1948?"

KRISTOL: And we should discuss that in a minute. Obviously, as you say, the political theory of the document itself, which is so interesting, and that's full of tensions and so forth. But I'd say one last point on that I'm struck from an American point of view, or to say outside of Israel histories of this, I think this fits with this, I was struck decades ago on this. There are many histories of Zionism and some of them are written from different points of view, of course. And there are big controversies about Jabotinsky and Ben-Gurion, and the revisionist, and well, it's endless. And they're all quite interesting, many are quite interesting, but they treat the founding of Israel as an episode in the history of Zionism. Which is true in a way, but that would be sort of like treating the American founding as, "Well, there was a lot of interesting stuff in the colonies in the 18th century and a lot of thinkers and a lot of influences and people writing about this for course of different political philosophers. And this is just kind of like another chapter in the history of what was happening here on this continent." Which isn't the way some historians take it because they want to minimize the importance of the declaration, but it's never been the orthodox, so to speak, account I'd say, of America and the founding and the nation beginning in 1776, and based on these universal principles and all that. And I've always been struck, I just say a word about this, people haven't studied until quite recently, and I think this book will have a big influence on this, the founding of Israel as a founding. I think it's an awful interesting one. It's very problem, very challenging.

It's full of problematic aspects and contradictory aspects and so forth. And if you're interested in foundings, which you should be interested in politics and political science and history, this is a pretty remarkable founding. And yet it's in a weird way, shoehorned into this longer history from Herzl, and it's just kind of another thing, I'm exaggerating a little, but it's another thing that happens along the way. Is there anything you said about this of why hadn't people focused more on the founding of the state? Why aren't there courses all over in Jewish studies departments or in Middle East studies on the founding of the state of Israel as opposed to the history of Zionism, I guess is my question?

ROGACHEVSKY: I think that's a very good point. And we would have to get into the question of the way Diaspora looks at developments and the way things are understood within Israel itself. But I would echo your sentiment. I think that's a mistake. And it's something that Ben-Gurion and the other authors in 1948 had to reckon with as they were looking, deciding what to say about the nature of the state. Herzl and the history of Zionism had to be acknowledged. Herzl's name obviously is mentioned in the Declaration of Independence, although it was left off in certain early versions of the text. He had to be in there. But that was an acknowledgement of his role, his political action, rather than for the account he gave of the nature of the Jewish state to be created. Herzl's genius was his political organizing, his vision, his understanding of the world-historical forces, what needed to be done. It is statesmanship at the highest level.

But when you investigate his vision on political theory matters: "what's the foundation of the state? What's it going to look like?" There's some interest there, but that really wasn't his primary concern in the late 19th and early 20th centuries. He wasn't thinking as a Madison or as a Hamilton. He wasn't going into the architecture of government, he wasn't going into its founding principles. You couldn't turn in 1948 to Herzl and say: "this is going to tell us what principles we're going to use and which are going to be the basis of our state." And in 1948, that left Ben-Gurion, and the other founders, to do their best to try to think politically, think foundationally, and articulate the kind of state that they wanted to found.

KRISTOL: Well that's very good. That's good. And that's a good transition to, actually, let's talk about the declaration, because I guess another way of saying what you're just saying is there's no John Locke. I mean, there's no one thinker. Of course, there were other strands of thought in America ranging from Puritan and religious to radical versions, more thinkers more radical than Locke. And this has been studied great by many, many good historians and intellectual historians and political theories. But there is, at the end of the day, a real political philosophy from which the declaration flows.

So let's talk about that. What were the competing political philosophies or competing, maybe just thoughts if they weren't quite philosophies, that were there? And how is this shown in the drafts? And then I want to get, of course, to Ben-Gurion's absolutely central role, which I think we've sort of touched on here already, but I'm struck by reading your book. You just can't be overestimated. But anyway, first, so we'll talk about the Declaration. What does it say mean? Most people, let's just assume most people haven't read it, that they can go online and read it. And there's a translation on, I believe, on the Israeli government website in English for those of us whose Hebrew isn't great. But still, what does it say? What did the drafts say? What were the competing elements of it and so forth?

ROGACHEVSKY: This is why it's important, as you say, to study the final text of the Declaration and its pre-drafts: Studying the Declaration tells you the path Israel ultimately embarked on, but it also tells you some paths not taken. And you see that over the evolution of the major drafts. There are many drafts—this thing stood in bureaucratic committees—there were edits, some of those were substantial, some were less substantial. But you could really posit at least four

central pre-drafts. You could characterize the first one as basically following the American Declaration of Independence, the natural rights doctrine of the American Declaration combined with a Jewish justification for statehood. That was option one.

KRISTOL: And who does that? Let's talk about those drafts a little. But they're actually interesting, even though it's a little bit in the weeds, but it's pretty amazing. So aren't, you say bureaucratic? You make it sound like there was an actual functioning bureaucracy, but it's a much more ad hoc than that, isn't it really?

ROGACHEVSKY: Yeah, it is...

KRISTOL: The Seder on Passover of 1948.

ROGACHEVSKY: That's just an astonishing story. So Pinchas Rosen, then known as Felix Rosenbluth, the Justice Minister to-be. He's got this young lawyer/government worker who's not even in government full-time, he's the son of a prominent Tel Aviv lawyer, His name is Mordechai Beham: 33 years old in 1948. Rosenbluth is very busy setting up the justice ministry, and he calls Beham into his office in later April 1948 and says, "We've got to prepare a proclamation. Once the British leave, we've got to prepare a statement which says, which legitimizes the authority—that's the most important aspect of the proclamation—of the bodies that are declaring independence. These are legitimate bodies, henceforth to be the government of a state. That has to be in there. But it also," Rosenbluth says, "Has to say something of how we got to this point."

So it's unclear if he gave him more specific instructions like, "Oh, it should be a substantive text, should it be simply a procedural document?" But this guy was sort of at a loss for what to do. And the story goes that he was having Passover lunch with his family a Saturday in late April, 1948, and he was reminded that there was an interesting rabbi named Harry Davidowitz, who had immigrated from America to Palestine in the mid 1930s. He lived nearby in Tel Aviv. "You have this major task in front of you. Why don't you go consult with him, consult with this rabbi, see what you come up with?" So that Saturday afternoon, he went to pay a housecall—

KRISTOL: And this rabbi had translated Shakespeare. Am I making this up? I remember?

ROGACHEVSKY: Yeah, it just gets better and better! He was of independent means, and wasn't, I don't think, professionally employed as a rabbi in Tel Aviv. He was a sort of literary translator. He translated the works of Shakespeare, which were standard works in Israel for many decades. He translated from the Judeo-Arabic a text that had been attributed to Maimonides. So someone who was interested in the great works.

KRISTOL: He had been a Conservative rabbi in the US? Not Orthodox, right?

ROGACHEVSKY: He'd been influenced by progressivism. He had studied in Yeshiva growing up, had had the full religious education, but sort of drifted in a

progressive direction later on. But he was an extremely learned fellow. His wife was an art critic for the *Palestine Post*, soon to be *Jerusalem Post*. Tel Aviv in the 1940s didn't have a university. It had a bad central library. Rabbi Davidowitz had an extensive library.

And so what happened? And here one has to say some of the details here are very murky: the precise relationship between Beham and Davidowitz, much of it relies on family lore, one has to say. But what's clear what happened? So from what we can tell, he spent some time in the rabbi's library that afternoon in consultation with the rabbi, and he copied out core texts of the Anglo-American political tradition, the English Bill of Rights 1689, the American Declaration of Independence and aspects of the King James Bible.

And then he goes home either with input from the rabbi—and I actually strongly suspect the rabbi was more directly involved—and he writes a Declaration of independence, which tries to blend life, liberty, and pursuit of happiness. He mentions that phrase. Governments draw their power from the consent of the govern. He basically crafts a declaration for an independent Jewish state on that basis, while also beginning with, you could say, theology. He quotes Deuteronomy at the beginning. "Wherein the Lord? God promises land to Abraham, Isaac, and Jacob and their seeds after them." So he tries in this remarkable way to combine Philadelphia and Jerusalem in Tel Aviv in the spring of 1948. Yoram Shachar, an Israeli scholar, who first analyzed Beham's text, noted this. And this was really an interesting attempt, but it didn't survive the editorial process of the *Yishuv* bureaucrats—this very Anglo-American approach to the question.

KRISTOL: So that draft is getting worked on, and then there are other drafts?

ROGACHEVSKY: Yeah, that's right. So this follows, it takes a turn in a Labor Zionist direction afterwards. And the whole natural teaching of the American Declaration, which Beham had tried to assert, is basically edited out very quickly, probably with the help of Beham also. Over time, he was involved in the editing process. He was very committed to his first draft, but it didn't quite survive the confrontation with colleagues back in the office.

So it goes in that direction. And then there are various other attempts also, there's a fellow called Hersch Lauterpacht, who's one of the principal founders of international law in the 20th century. He writes a draft. There are several lineages. There's a Beham lineage, which is then edited in a Labor Zionist direction. There is a Hersch Lauterpacht draft which tries to deal with questions of international law and legitimacy. Finally, it goes to Moshe Sharett, another principal player in this drama, Israel's second prime minister, who produces the penultimate draft in the few days before independence. And he's very concerned with, "Oh how are the American authorities going to react? How is the UN going to respond to this We need to do everything in our draft to win legitimacy from the United States principally, as well as other powers." And then finally coming to David Ben-Gurion of the night between May thirteenth and May fourteenth.

KRISTOL: It's crazy. This is all happening under the gun of the May 14th, 15th deadline. I suppose the Americans had deadline, were under the gun sort of, but if

it hadn't been July 4th, it would've been August 4th. It wasn't like here. They really have to have it where they think they should have it, at least obviously, when they proclaim independence. And they have to do that because of the UN deadline. Say a word just around the history that on the UN stuff, just so the UN has, I mean, once one forgets, I mean, if you're pro Israel, you've grown to dislike the UN quite a lot over the decades subsequently. But one forgets how important that was the, just say a word about the history of that from in 47, 48 the UN.

ROGACHEVSKY: The question of the UN goes to the heart of the practical political issues as they were understood and contemplated in 1948. So the UN, after the British announce withdrawal....

KRISTOL: The British are running Palestine under this mandate.

ROGACHEVSKY: Exactly.

KRISTOL: Which itself is from?

ROGACHEVSKY: The League of Nations.

KRISTOL: They conquer decades before, right?

ROGACHEVSKY: They win it from the Ottomans in 1917, and then that's formalized in the League of Nations after the war. The British throw up their hands—the broke, shivering British Empire in the wake of World War II. They're sick and tired of policing the conflict there. They announce they are leaving and turn it over to the UN. Then on November 29th, 1947—we just celebrated the 75th anniversary—they decide on the partition of the land of Palestine into a Jewish state, an Arab state, and international Jerusalem.

Now, this is very important because when people talk about UN Resolution 181 today, they say, "Oh, it proclaimed a Jewish state or a Jewish state and an Arab state," at most. But if you investigate the text of the Resolution, what the UN had insisted upon and which the world powers were also very attached to, it wasn't simply: the British leave, and these states can run themselves however they pleased.

No, the UN attached very severe strictures on these states or quasi states-to-be. The UN was going to be there and supervise, they're going to be blue helm like this, none of this ever materialized. But in the resolution, there was going to be supervision, sort of a UN police or regime force really monitoring those states. There had to be, for the states actually to be admitted to the UN later on, there had to be an economic union between the Arabs and Jews. Peace had to prevail. All these sorts of parliamentary offices had to be created. The UN Resolution was ultra-specific on what kind of benchmarks these states-to-be would have to meet if they were to be considered states. It's the details of UN resolution 181 really set the political set terms of the political debate for the Jews of Palestine going forward.

Because the Arab states, right away, this is something the Arab Higher Committee conveyed in no uncertain terms, "We're not accepting any partition. We have no

use for this.” The war broke out. Peace was a dream right away. Right after the passing of the Resolution. Jews are attacked in Jerusalem. The war begins. So peace does not prevail. And there’s backtracking the powers of the world. America becomes an interesting question. Americans supported the partition plan, but there were actors in the State Department and elsewhere who wanted to backtrack on this. And that was a diplomatic background that Jews had to face. And their principle political concern, and Ben-Gurion says this later, is, “How far do we commit ourselves to a UN process, which is already a dead letter?”

KRISTOL: They need to be, so to speak, on the side of the UN or more or less implementing the UN. In order to keep us and others on board, they need to be sort on the side of, “We are doing what the authorized,” not on the side of, “Who cares about the UN? This is 2000 years of history here, and we don’t care about the UN and we’re just declaring independence.”

ROGACHEVSKY: That latter point was a revisionist line throughout this. And there’s a certain intelligence in it, right? The revisionist saw

KRISTOL: Revisionist meaning?

ROGACHEVSKY: Revisionist, the right-wing followers of Jabotinsky, and critics of the Ben-Gurion line, they said, “Look this UN process, it’s absurd. We just need to declare independence. If we don’t do this, the foreign powers are going to impose something on us.” Ben-Gurion’s tack was slightly different: He said that we accept the general principle of partition, and of Jewish statehood, which Resolution 181 loudly affirms. But we don’t commit ourselves in any specific and legally enforceable way to the details of Resolution 181, including the borders that were specified in it, including the economic union, and a whole host of other things. Why? Because those have been totally blown away by the political developments in the meantime, we’ve been invaded. The genocidal war has been launched against us. The details of Resolution 181 are inoperative.” So Ben-Gurion says: “We recognize the *strength* of Resolution 181, and we accept to work towards economic union. We are not departing from that. But we are not committing ourselves to every letter of UN Resolution 181. That’s inoperative at this stage.

KRISTOL: And he doesn’t. So let’s get in and out of the text. So on this issue of, I guess what we call it, the grounds of the sovereignty, almost, the text cites the resolutions, as I recall you show, but doesn’t make that the basis as it were, of the legitimacy of the Jewish state or of Jewish sovereignty.

ROGACHEVSKY: Absolutely. You could say that’s his key innovation in the Declaration and in the founding of Israel. He downgrades it. He recognizes its importance as a diplomatic event on the road to Israeli independence. But he asserts independence on the basis of what he calls a natural right. The natural right of the Jewish people, like all other nations, to claim sovereignty. That’s the basis on which Ben-Gurion, and Ben-Gurion alone, asserts Israeli independence. And that was a fierce fight with his colleagues. Many of them were distinguished lawyers, and some of these had a very legalistic mindset. Others were focused on how things would be seen in Washington. They were much more willing to commit themselves in speech to the UN process: we are following the UN process and the kind of independence we’re declaring is a managed independence.

Ben-Gurion breaks free from this, and he teaches his colleagues a lesson on a meaning of sovereignty. He says, "There's a moment to truly go for it. The British are leaving. You don't get an opportunity like that every day when there's a void of political rule. So we just need to go for it." And he had some support: Golda Meir, future prime minister, some other colleagues in the Labor Party. He had support, he wasn't totally alone, in following this diplomatic line, but he really made this win out: sovereignty on the basis of, "the Jews have a right to estate."

KRISTOL: And he uses the phrase and just gets out of the substance of the declaration. And you should walk us through some of the key sentences, phrases, et cetera, historic and natural. Is that right? That's the ground of the state?

ROGACHEVSKY: I'd say the Declaration tries to do three things in three central areas. The first, I've already covered. This is the question of sovereignty. Sovereignty and national independence, the basis of national independence. And this is clearly stated, Ben-Gurion gets a 10 out of 10 on this front, for defining the meaning of national sovereignty. This state is a fully sovereign state. It gratefully acknowledges the role of the UN in recognizing this principle, but it's a state like any other: it exists in the world of states. It will succeed or fall on the basis of its own arms. It doesn't try to fit itself into a vision for what the UN was trying to do.

It's an independent state. And that is contained in that idea of the natural right of the state to be like all others. So that's on sovereignty. It's no surprise that Israel has always been very strong on this front. It has always strongly said "we're a sovereign state. We understand our ourselves as acting independently. And that doesn't preclude diplomatic relations, peace treaties, whatever. But we're existing in a world of states." Which was not a guarantee at the time. To an American, it sounds almost like a bromide, but in amidst of people who religious or theological reasons had rejected state sovereignty, or just owing to the simple fact that they hadn't lived in independent kingdom or state for two millennia, this was major.

So that's on sovereignty. The second is on the question of religion and state, I would say the basis. So this is a Ben-Gurion innovation. And he introduces this beautiful first paragraph into the Declaration. Maybe we can just read it?

KRISTOL: That would be good. Since the first paragraph of the American Declaration is so famous, and "When in the course of human events," which seems to not have much room for religious intervention, divine intervention, I guess the Israeli declaration is going to be a little different, right?

ROGACHEVSKY: We can read it in English. And of course the English is quite different.

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

In previous drafts, this started with a general and bland statement, emphasizing the historic and traditional attachment to the land that Jews have always had. It

brackets right away any of the essential questions of the substance of what that historical and traditional connection may be. Ben-Gurion realizes—he gets versions of the text which go in that direction and he realizes—it’s not enough. “I’ve got to try to state something on the actual meaning of our enterprise here, about why the Jews are connected to this specific land.” And he tries in this paragraph, “They created cultural values of universal significance and gave to the world the Book of Books.”

You dig into that and you start to see—and this is where the dialogue between the particular and the universal comes to be—Ben-Gurion is grasping here for not merely a simple *national* justification for a statehood. That can be read when you’re talking about sovereignty. Oh, other states, other peoples, are entitled to the sovereignty.

KRISTOL: Italy for the Italians.

ROGACHEVSKY: Yeah, exactly. Italy for the Italians. This isn’t simply another nationalism. What he tries to do here is to state that the work of the Jews done in the land of Israel has universal significance. They gave to the world the Book of Books. And therefore, if that work and the ideas or principles, or “treasures,” actually, would be a better translation than the bad official English translation that the Israelis produced later on. Not values. no, they gave to the world “treasures” of universal significance. If those treasures are to continue their way through world history, the Jews deserve sovereignty to carry on their mission.

So that is a beautiful sentiment. I think there’s a lot there, but it’s also in a way, sort of ambiguous, right? Because it doesn’t say, the text doesn’t say anything as to what these cultural values are. It doesn’t say that. It speaks of the Bible. It speaks to the importance of the Bible. But it doesn’t—and I don’t really blame Ben-Gurion for this, it would take genius to the level of Maimonides to, or some great in Jewish history—to truly distill the principles of the Bible in a few sentences. But it doesn’t say anything about where those treasures come from.

KRISTOL: May be better not to try to say, right?

ROGACHEVSKY: That’s getting to the political aspect of this. There’s a reason why Ben-Gurion and the previous drafters, left it at the level of a traditional connection because they’re very wary of wading into this theological terrain. There’s so much disagreement, many anti-religious people, there was already a healthy religious contingent in 1948 as well. And so if you just leave it at a fairly abstract level, then you might produce a kind of civil peace. There’s a reason for the compromise on that: if you just leave it at “Book of Books” and you don’t go into too many details...

KRISTOL: So that is striking. There’s no quotation from the Bible that God gave us this land. There are many places you could have cited, one could have cited that Vayikra, he was quite familiar with, that would give the very particular biblical justification for the Jews having this land. But he chose not to, right? He thinks that’s too much of a literalistic grounding, as it were?

ROGACHEVSKY: So that’s a striking absence. Interestingly, in this first draft, the draft, I mentioned Mordechai Beham, he did do this. He put in that direct quote

from Deuteronomy, one version of a covenant God, God's promise. And that would've struck Ben-Gurion to say nothing of his more secular, even atheist minded colleagues as not even one bridge too far. Way over the line, too theocratic, too religious, simply unacceptable.

KRISTOL: And maybe not for diplomatic purposes either.

ROGACHEVSKY: And it may be insufficient in itself. Every nation, in a way, could claim some promise, some version of, "Oh, we were promised this land."

KRISTOL: What else is interesting also on religion, God is not directly mentioned or the word of God, the name of God is not in the Declaration. Is that right?

ROGACHEVSKY: So this is a question, I think it is. The name is *Tzur Yisrael*, at the conclusion of the Declaration, the signers affirm their trust in *Tzur Yisrael*, the Rock of Israel, That phrase, *Tzur Yisrael*, had been in the Declaration from its very earliest draft. Mordechai Beham had put that phrase in following the American Declaration—this was the Hebrew he chose for Jefferson's "firm reliance on divine providence." So that phrase had been in there.

KRISTOL: Very important phrase. And it survived, right?

ROGACHEVSKY: Exactly. Even though many in the room, in the room weren't traditional believers that day, everyone recognized the phrase *Tzur Yisrael*, Rock of Israel, from daily prayer service that they had attended in their youth. In the prayer book, it speaks of *Tzur Yisrael v'Goalo* the Rock of Israel and Its Redeemer, which that version of it is, speaks more directly to an act, a God that intervenes in the world for Israel.

KRISTOL: And I think in Samuel, where I think that phrase is maybe most used in David's psalm, I guess it's called at the end of his life, I think it is *v'Goalo*. So with some slight implication, well, there's the Rock of Israel, which keeps us safe. That's very much David, what David's concern is. And then there's the redemption, which is sort of a different thing might say than this is the more Zionist side of it, I would say. The Rock of Israel, right?

ROGACHEVSKY: Ben-Gurion, on the evening of May 13th, he mediated a debate between a rabbi who's part of the executive committee, Rabbi Yehuda Leib Fishman Maimon, and Aharon Zisling, a far-left Mapam Party member. And they argued precisely this point: Fishman said, "Oh, we need the Rock of Israel as Redeemer in there. And Zisling said, "I'm unhappy with this in general. Maybe we can have some Rock of Israel. It's fine if it's mentioned, but don't force upon me to say I believe in this."

And Ben-Gurion brought out a compromise—he was proud of this, did some self-mythologizing about this later on, he said, "Oh, *Tzur Yisrael* is a perfect compromise because a materialist could think of Rock of Israel in terms of Zionist strength, and the believer could view it in terms of redeeming God. There's perhaps a third way. James Diamond has pointed this out. It's possible to have a synthesis between those two sides, Rock of Israel, think of it almost in Aristotelian terms of first principle of the world. So there are different ways to conceive of it.

KRISTOL I would start reading your account, correct me if I'm wrong, but they really just coming to it fresh as it were for me, I might have expected to see something about how the promise of redemption and so forth. And that is pretty much conspicuously not in the claimed, in the Declaration. It's not disclaimed as it were. It's just left for people to make up their own mind about whether this is to be a theologically, unbelievably important moment for theologically for Jews, or whether it's certainly a very important moment for the Jewish people that's made clear. But I think that the rest is simply left up to people to make up their mind, I suppose, right?

ROGACHEVSKY: There is no Messianism in the document. None that I can see.

KRISTOL: So anything else on God and/or religion in the Declaration?

ROGACHEVSKY: I think where I want to go to next is this discussion of rights. This is very important. So this is the one where you could say the Declaration speaks most ambiguously, Ben-Gurion, in the small hours of May 13th, he is thinking about the nature of rights. And he introduces one important change from a previous draft. Previous drafts had mentioned that the state-to-be, and this is with the Supreme Court later called the "vision and credo" part of the declaration, where it simply lists all kinds of rights: The state will ensure complete social, political equality, freedom of religion, freedom of language, all these kinds of things. Many good things, no doubt...

KRISTOL: Just take a minute on that. Most people don't know that the Declaration itself guarantees, or at least affirms that the forthcoming state should have, for example, religious freedom for non-Jews and equality of law for all citizens or all who are reside there, correct? This isn't just the Israeli Supreme Court liberal interjecting so to speak, a liberal position into a much more Jewish and Zionist and particularist document?

ROGACHEVSKY: Certainly. Let me just read that paragraph. The English translation: "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 its inhabitants. It will be based on freedom, justice, and peace as envisioned by the prophets of Israel. It will ensure complete equality of social and political rights to all 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 while religions and be faithful to the principles of the charter of the United Nations."

So this is an exhaustive catalog of rights. And I think they have animated Israel's life in an ennobling way. Before Ben-Gurion's intervention, the text had read: "The state will *bestow* rights on its inhabitants. This was an extreme position: Socialistic or whatever you want to call it, that rights are a donation of a specific political body.

Ben-Gurion in the final debate before taking over the drafting process says they have to change that. He says: "the state does not bestow rights. Rights belong to the people." So he alters the language, the state will guarantee or make manifest—

t'kayem—in the Hebrew, the rights, the preexisting rights. And he pushes the document in a direction that's closer to the doctrine of inherent natural rights, which we find so wonderfully and so truly put, I think, in America's Declaration of Independence. I do not oppose this catalog of rights. I'm happy that the state commits itself to many or most of the things we just read. But it doesn't really state where they come from. It's just puts them down in the document: "We're going to do this and this and that."

There's no political theory, as we have in America's Declaration, which speaks of the origins, where these rights come from, and how they exist according to laws of nature and of nature's God. So that's not in there, and that's actually a real absence. That creates a sort of confusion about the nature of rights and where they come from. The reader does not get a theoretically coherent account of the nature of rights and the relationship of the state to the citizens. Again, I think Ben-Gurion's change makes it, pushes it to say, there are such things as inherent rights. But one could also come away thinking, perhaps, that the state has and a monopoly on rights.

And by the way, so this list, to go back to the UN question, this list, this catalog of rights, which I just mentioned, the language is basically ripped from UN Resolution 181. UN resolution 181 and its specifications for the states, the universalist side of it.

KRISTOL: The Jewish side.

ROGACHEVSKY: Exactly.

KRISTOL: Not the ingathering of the exiles.

ROGACHEVSKY: Yeah, the UN to say the least, did not mention anything about ingathering of exiles! But the catalog of rights, it did do. So many of the choices which were made in this area and in others were rightly, again, I'm not casting them for this, were to satisfy the strictures which the UN had put forward.

KRISTOL: We'll say a word about the phrase historic and natural. I'm so interested. I find that interesting. And I would just incidentally slightly contrary, we think the American Declaration really lays out the grounds of this. Does it really? It's like two sentences that are asserted. The Laws of Nature and Nature's God incidentally are in the context of the separate and equal station. Our nation is entitled to really the Nature and Nature's God just decided that there are a bunch of nations that have to have a separate and equal status?

So I would say we read Locke back into it, which is appropriate. They don't have Locke in a certain way, or don't an ambiguously have Locke. I think it's also a Jewish state, and because it's a different century and so forth. So I don't know, I think one could overdo how even the US Declaration is a hundred percent grounds at a hundred percent, obviously in this ambiguity about the creator and so forth.

ROGACHEVSKY: As an interesting side note, the first translation of Locke's *Two Treatises of Government* was done in 1948 in Hebrew. That's sort of an interesting tidbit.

KRISTOL: One forgets that they were so influenced by German thought and Marxist thought and 20th century thought that it's, for us, it's Locke, yes. But that they weren't sitting around thinking a lot about Locke.

ROGACHEVSKY: Yeah. It was very much not of their world. They principally came from Central and Eastern Europe and drew from its intellectual traditions. Marxist socialism had taken the ideological vanguard to this swampy, swampy, swampy land in the poorest region of the world in the late 19th and 20th century. So Lockean liberalism wasn't their world. But I think part of Ben-Gurion's brilliance was—and I don't want to say that Israel could have copied America directly—but I do think Ben-Gurion pushes the state in a more-small l-direction, more in accord with a liberal democratic vision.

KRISTOL: And say a word about that phrase. Just that always struck me. So it's historic and natural, right?

ROGACHEVSKY: Natural and historical.

KRISTOL: And historic, right. So what is that in Hebrew?

ROGACHEVSKY: *zhut tveit v'istorit*

KRISTOL: Right by nature.

ROGACHEVSKY: Yeah, nature and history.

KRISTOL: And what's the context of that in the Declaration?

ROGACHEVSKY: Accordingly, we members of the People's Council, representative of the Jewish community of *Eretz-Israel* and of the Zionist movement are here assembled on the day of the termination of British mandate over *Eretz Yisrael*. 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 Jewish State of Israel to be known as the state of Israel.

KRISTOL: Very fleetingly in a way, not a lot of unpacking there.

ROGACHEVSKY: But it follows from the rest of the text. I see the natural right side of it as expressing this sovereignty, the natural right of the people to be sovereign, to be free of the strictures of foreign powers. We've earned this. This is our natural right. And historic right is not history in some Hegelian sense. It could be read that way. And one's first impulse might be to say, they mean "by virtue of tradition." But I think this goes back to the attempt to universalize the Jewish experience on the basis of the Book of Books. The Jews have done important work in antiquity. The Jews had suffered grievously and have suffered grievously precisely by their commitment to that mission and to that project. And they're deserving of independence to carry that torch forward. We are torch bearers for the treasures, for the principles as contained in the Book of Books. That's the historic right once you get down to it. So it's phrased as a "historic right" but it is not history. It

doesn't get to the core of the matter, but it reaches toward a core, which is quite defensible if containing its own ambiguities to be sure as well.

KRISTOL: And it is, consciously not divine, let's just put it that way. The historic right implies, of course, what is the Book of Books about? But it's a one step removed, you might say, and therefore a little less, maybe get more consensus on that phrase.

ROGACHEVSKY: No, the drive to have consensus was an important factor. I don't think it's a news flash to anyone that the Jews have been fractious politically. And in Palestine, there were so many different parties, so many different sensibilities, on religious, political matters and so on. So just finding acceptable words that could be signed upon was no small feat.

And there was a ton of practical merit in this compromise, which was established because no one is perfectly happy. Religious people who want to see a full-throated: "we're here because God promised us the land and we're going to live according to the law." They're not perfectly satisfied, but on the other hand, they're not totally *unsatisfied* because it permits that kind of life. And on the other hand, the non-religious are not perfectly satisfied because it does do this: the Declaration of Independence begins with the Book of Books. And there's going to be some religion in the state, and this is going to annoy them. But it's practically something they can live with. So, there was merit in the compromise. And Israel's ability to hang together through thick and thin most, mostly thick, does put a point in the favor of these compromise phrases, which exist in the declaration.

KRISTOL: Yeah, There's a lot of merit in that. And it is signed, is it not, by delegates ranging from, I think a Communist party member to rabbis, to orthodox rabbis.

ROGACHEVSKY: Yeah, the whole range. So there are 37 members of the full, the newly established of proto-parliament of the state, everyone signs it. One Revisionist, Herzl Vardi, politely asked, "Oh, can I only sign partially because I don't believe in any language about the UN." He relents, he just signs it. He's a wonderful guy. The Communist signs it, this far left atheist, Aharon Zisling, who caused Ben-Gurion so many troubles here and elsewhere, he signs it too. So, it is signed by the whole political establishment of the Jewish community of Israel.

KRISTOL: There's a whole other conversation we should have about how the Declaration plays out. Either the Declaration or just the themes of it, in tension and in Israeli history and the Supreme Court and the liberal side of Israel and the religious side, if you want to put it that way, or the "it's a Jewish and democratic" state statement. It's probably too much for the few minutes we have left. So maybe better to focus now on Ben-Gurion. And he's come up so much, but let's step back a little from the details of his role and getting The Declaration done and proclaiming it, or even 47-48, and talk about him just as, I suppose he's the closest to the George Washington of Israel. So what about him as a statesman? And people don't know. There are biographies. One could read, maybe you could recommend one or two, but just curious what he seems like. He was hugely famous and of course revered by Jews, at least when I was growing up, and some American Jews and so forth. But I feel like studying him as a statesman, that hasn't been done quite as much. Maybe I'm wrong about that.

ROGACHEVSKY: For me, working on the founding of Israel has been a story of growing admiration for Ben-Gurion. I came into this obviously recognizing his talents, his judgment in founding the state and leading it. I had grown up with stories about many of his accomplishments. But on this question of statesmanship, I had a somewhat lesser view. In later life he was into a yoga-like practice called Feldenkrais. There are photos of him standing on his head. There are the quirky stories of his learning Greek and the Bible and his meeting with scholars. I thought this was rather facile vanity.

The first thought was, "Oh, I'm concerned with burnishing my legacy and I'm going to pretend to be engaged in the world of ideas." I was not right about that. He was a deeper figure. Walter Laqueur, the late, wonderful historian of Zionism and the Holocaust, and other matters, he describes this well, referring to Ben-Gurion and other labor Zionist leaders as well beginning in the 1910s, 1920s, he describes their transformation. To start, they were these low level trade-union guys, their concerns were very parochial. Their knowledge of the world was very limited. Ben-Gurion was a guy from a small village in Poland.

KRISTOL: Say a word about just where does he grow up? What does he come to Israel and what does he do?

ROGACHEVSKY: He was born in 1886 in a place called Płońsk in Poland, part of the Russian Empire sort of northwest about 70 miles from Warsaw. He's from a Zionist family. This was kind of important. His father was active in the "Lovers of Zion" movement. And when Herzl died in 1904, he reports weeping feeling he lost his North star.

KRISTOL: His name of course is not David Ben-Gurion at that point, right?

ROGACHEVSKY: Oh yeah, David Gruen. And Ben-Gurion was a rebel against Roman rule over Palestine. He changes his name, and he comes to a Palestine, which is still under Ottoman Rule. And there's basically nothing there. This is in 1906, 1907, something like that. He works briefly as a day laborer. There's literally in a small settlement in the north. And he sort of finds himself in community organizing. He gets very involved in organizing a union and political party, *Achdut ha' Avoda*. Through these experiences through the union business and political business, he creates a political party. He sort of grows into a kind of statesmanship.

Some of our Revisionist Zionist friends criticize him at some points. Like, "Oh, he was behind. He certainly made some errors. He didn't anticipate a British victory when World War I began. He thought the Ottomans were going to do well. Maybe he was a bit late in certain areas. He was probably a bit late in seeing the growing role of the United States in the world."

But by 1948, he was a man who had developed a comprehensive view of the balance of forces that the Jews of Palestine faced. And this was based on his experience, but also partially by reading books. He really spent formative time in the United States. He knew America's Declaration of Independence, for instance. He fell in love with Plato and Aristotle in addition to the Bible, during World War II

he was in London. During the Blitz in London, he didn't have much to do. And he read Plato all day. So, there was this growth that he had. And it's really a point in favor of democratic statesmanship. A certain kind of 'nobody,' if given freedom, can actually go pretty far.

KRISTOL: Like Lincoln, so no formal education to speak of?

ROGACHEVSKY: Very little, and especially compared to his colleagues, some of whom had fancy degrees, many German lawyers many working at the upper echelons of the Jewish community, had degrees from Heidelberg and Berlin and other places. He was in a Polish technical college. He was in a law school in Istanbul that he flunked out of. So he was an autodidact if there ever was one. But I think also, in addition to what I said about Democratic statesmanship, just so the inheritance of the world of Judaism. He was not raised in a religious household, but some aspects of that world had certainly left his mark on his character, and his readings of the Bible, and other things, really helped him to grow into the statesmen he became by 1948.

KRISTOL: That's really fascinating. And apart from your book, which remind people is Israel's Declaration of Independence, you and Dov Zigler. People should order that immediately and preorder it, hopefully out early in the new year though. Any particular things that you found helpful in terms of either accounts of the founding or historical accounts of 47/48, the war, and so forth, or, and biographies or studies of Ben-Gurion?

ROGACHEVSKY: Tom Segev's recent biography of Ben-Gurion. The author is not friendly to Ben-Gurion, but in spite of that, I think you see something of his education in statesmanship through it.

KRISTOL: And that's translated in English?

ROGACHEVSKY: Yes, everything I'll mention is in English. So that, that's one. Another work I'd mention is Zeev Sternhill, recently died, a scholar of both French and Israeli things. His work, *The Founding Myths of Israel*, this is a great study of the core of Labor Zionist teachings and what he considers the betrayal of its mission by leading Labor Zionists: very provocative and helpful.

And then there is Aharon Barak, who was the President of Israel's Supreme Court, dominant thinker in Israel of the last few generations. He has reflected a lot on the Declaration and its role in Israel's life. And I do disagree with him in some respects. And his involvement in "discourse on the Declaration" goes to show that this question of the Declaration of the principles of Israel's founding are going to be, I see them becoming more and more relevant in the coming years in Israel.

KRISTOL: That's great. Well, that's another conversation we will have. This has been terrific, Neil. Anything we haven't covered that you want to mention or that people need to think about? They can learn more from the book and from other readings and think themselves about, honestly about The Declaration and about... One thing I was struck by in your book, I'm not very well educated and things Jewish or Israeli, but it's quite accessible. You don't have to be, people shouldn't be intimidated. I would say to our audience here that there's why I don't know

Hebrew or I haven't studied this much or just like the American Declaration, a little bit of background, obviously, you need is helpful, but you provide that. But if you're interested in politics and political philosophy and history, religion, culture, 20th century, there's a lot, and the book's accessible. Tributes to you and to your co-author.

ROGACHEVSKY: That's great to hear. One thing I would say is, especially for young people, I would encourage them if they're thinking about Israel and the Israeli founding, to think of it not only in terms of the history of Zionism, but political philosophy, the whole tradition of political thought from Plato, from Machiavelli through to John Locke and nineteenth century thinkers. Once you start doing that, I think a whole host of provocative questions open that are ripe for reflection about the nature of modern and Israel—while of course not neglecting the Jewish sources and Zionism as well. That was very important for me, and it could be helpful for others.

KRISTOL: No, that's an excellent note to end on. And Neil, thanks for joining me today. Everyone should to go out and buy the book, needless to say, and recommend it to others and discuss it and have discussion study groups and get in touch with Neil to invite him to discuss it and his co-author, Dov Zigler. So Neil, thanks for joining me today.

ROGACHEVSKY: Thank you.

KRISTOL: And thank you for joining us on *Conversations*.