

## Democracy in the Jewish State

■ Yonoson Rosenblum's "Courting Disaster" (Spring 2001) is exceptionally precise. The situation is as he describes it—the Supreme Court of Israel is undoubtedly the main enemy of Israel as a Jewish state.

Actually, the situation is even worse than Mr. Rosenblum would have it. On page 15, he informs us that "both the Israeli Declaration of Independence and the Basic Laws describe Israel as a 'Jewish and democratic state.'" This is not strictly speaking true: the Declaration of Independence indeed declares Israel a Jewish state (in its eleventh paragraph), but nowhere—I repeat nowhere—in it does the word "democracy" or any form of this word appear. True, in its subsequent paragraphs the Declaration guarantees certain characteristics of the newly born State which we associate with democratic regimes, but democracy is a far broader concept than three or four "civil rights."

The point I want to make is this: though Israel's Declaration of Independence evidently regards the Jewish nature of the State as far more significant than the nature of its internal regime, Israel's Supreme Court has been acting (even before the advent of its present President Barak, but especially since he took over) as if the opposite were true. In the decision handed down in March (referred to by Mr. Rosenblum on page 15), not only did the court (actually Barak himself)

rule that the Jewish Agency could not create settlements designated only for Jewish residents, it actually tried its hand at defining the precise relationship between the Jewishness of the State and its democratic nature. Wrote Justice Barak: "The Jewishness of the State is assured by the Law of Return, giving Jews the world over an advantage in becoming citizens of the State, but in the State itself—the principle of equality must be predominant."

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## Peace Now Maligned?

■ One of my favorite composers, Leonard Bernstein, wrote a symphony after the death of President Kennedy. At the beginning of the work, a narrator appears lamenting that he is compelled to recite the *Kaddish* in memory of those he has lost.

If Bernstein were with us today, I'm sure he would have recited the *Kaddish* many times over the many Jewish lives snuffed out in the Holy Land since the onset of the latest Palestinian insurrection. That would have been the correct response—the Jewish response—to the terrible tragedy *Medinat Yisrael* has suffered since last autumn. What is not a correct response is denigrating the sentiments and values of other Jews who may have a different vision for the

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future of our people.

Regretfully, this is exactly what an article that appeared in *Jewish Action* did (David Bedein, “The Former Israeli Peace Camp: Trouble Coping With Reality,” Summer 2001). Written by a former Israeli peace activist, the article proceeded to attack and invalidate groups like Peace Now that do not share the editors’ enthusiasm for the Yesha settlements.

I too have been forced to call into question, in light of current developments, my past endorsement of territorial concessions as a means of affecting a long-range peace settlement with the Palestinians. I do know, however—something I’m sure Prime Minister Ariel Sharon is cognizant of—that at some point it will be necessary for both Israelis and Palestinians to make hard choices for the sake of their common future. That will undoubtedly impact the Jewish settlements in the West Bank territories, and certainly all of us, including the leaders of the Orthodox Union, will have to ask ourselves what we are willing to bring to the table to help ensure a Jewish future in the land of Israel.

**David L. Blatt**  
Chicago IL

### David Bedein Responds

Mr. Blatt should cope with the lie that if only Israel were to relinquish its Jewish settlements, there would be peace in the Middle East. The peace organizations that made an honest attempt to test this idea must cope with the fact that it had no basis in reality.

## The City of David

Leibel Reznick’s spirited dissertation on the location and size of Jerusalem in the time of King David (“Moving Mount Zion: Where Was the Biblical City of David Located?” Summer 2001) raises a number of serious concerns.

1. He argues that the Jebusite stronghold conquered by David encompassed the present walled Old City as well as what is known today as Mount Zion, and he identifies the latter as the loca-

tion of the tomb of David. He contrasts his depiction of Jerusalem’s geography with the view of what he characterizes as “anti-religious Minimalists,” who place David’s original city on the narrow spur immediately south of the Temple Mount. That area, circumscribed by the Kidron and Central (Tyropean) valleys, is part of the Arab village of Silwan.

The evidence he offers is flimsy. He cites Josephus, an important end-of-Second Temple historian who is not completely reliable on earlier periods. He asserts disingenuously that the Broad Wall built by Hezekiah in the 8th century BCE that was uncovered in the Jewish Quarter after the Six Day War is “proof that Jerusalem in the First Temple era did encompass the area that was traditionally known as the Fortress of David [the present Citadel].” This is disingenuous, because he is clearly referring to the city in the period of King David. And he vaguely offers “tradition” going back through the centuries to support his thesis.

Since the discovery of the Broad Wall, almost every serious scholar has agreed that First Temple Jerusalem extended to the Western Hill—the area including much of today’s Old City and Mount Zion, and even beyond. Large clusters of late First Temple tombs found in Gai Ben Hinnom, north of the present Damascus Gate, and in Silwan (i.e., areas outside of, but adjacent to the city), are further testimony to ancient Jerusalem’s imposing dimensions. But there is no indication—neither in Tanach nor, *lehavdil*, the secular sources—that this metropolis existed in the time of David. To the contrary, Tanach mentions the important roles a number of *later* kings played in the expansion of Jerusalem — II Kings 22:14; II Chronicles 32:3f.

2. No less problematic than his equation of David’s reign with the larger Jerusalem of subsequent kings is Rabbi Reznick’s rejection of the spur below the Temple Mount as the original site of David’s conquest, the “archeological City of David.” Since he cannot accept the stream that gushes on the northeastern

side of that site as the Gihon, he identifies that Biblical water source with the Mamilla Pool near today’s Jaffa Gate (“the Upper Gihon”) and Sultan’s Pool in Gai Ben Hinnom (“the lower Gihon”). He speculates that David’s general gained entrance into the Jebusite stronghold (II Samuel 5:8) through what is generally believed to be a Second Temple period aqueduct. He says nothing about the tunnel that Hezekiah dug under the generally-accepted City of David to divert the water from the Gihon (II Kings 20:20), nor about the inscription discovered in 1880 near the Shiloach that describes the dramatic meeting of the tunnel’s diggers, who were excavating from opposite ends.

3. Regarding the Citadel of David, Josephus aside, the earliest remains that have been found are of the wall built in the 8th-7th century, several hundred years after David. The association of the Citadel with David seems to have originated in the (Christian) Byzantine period.

4. Similarly, with respect to the location of the tomb of David on the present Mount Zion. The tradition is indeed a venerable one, but its historical authenticity should be weighed against the likelihood that it was the Crusaders who first linked that place with David’s burial. Benjamin of Tudela, around 1170, was probably the first Jewish traveler to refer to this tradition. (Some authorities now suggest that present Mount Zion may have been the location of Gan Uzza (II Kings 21:26), the burial place of Menashe and a number of later kings.)

It is especially sad that Rabbi Reznick’s speculations do a disservice to the idealistic men and women who, with *mesirut nefesh*, have devoted themselves to reclaiming from alien hands the site where, by almost every account, the eternal City of David had its birth.

**Jack E. Friedman**  
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Volunteer Guide, Citadel of David

### Rabbi Reznick responds

Whether or not Josephus Flavius can be considered a reliable source for Biblical periods, suffice it to say that

that our Sages did not have that hesitation or reservation. Rashi quotes Josephus as a source for the Biblical period in Isaiah 21:4, Daniel 5:1 and 6:29, Haggai 2:6 and Zechariah 9:14. Rashbam in Genesis 36:1 also quotes Josephus regarding the Biblical era. Likewise, Ramban in Genesis in 49:31. If Josephus' history regarding Biblical periods could be regarded as unreliable, it is unlikely that the Bach (*Orech Chaim* 307) would have permitted the works to be read on Shabbat. It is unlikely that he would have permitted the works to be read during the weekdays.

Before the discovery of the Broad Wall, no upstanding Minimalist would have dared to say that Biblical Jerusalem was located anywhere within the limits of the Old City. It was the discovery of the Broad Wall that forced them to reluctantly admit that Biblical Jerusalem was much larger than they had thought. They condescended and attributed the wall to the later Biblical period of Hezekiah. However, even if the Broad Wall is attributed to Hezekiah, there is no denying that the expansion of Hezekiah was in the vicinity of the Biblical City of David as my article clearly indicated. In a previous article in *Jewish Action*, ("The Riddle of the Missing Rivers," Summer 2000) I offered concrete proof that the water tunnel located in the archeological City of David cannot be the Gichon. My last article in *Jewish Action* was a continuation of the previous one I wrote. I am assuming Prof. Friedman did not read that preceding article. He refers to the inscription of the dramatic meeting of the tunnel diggers. I addressed that inscription at length in that article. I also pointed out that the words Gichon and Hezekiah are not mentioned in the inscription.

Prof. Friedman attributes the association of the Citadel with David to the Byzantine period (4th century CE). This is difficult to understand since Josephus (circa 75 CE) associates the stronghold west of the Temple Mount to King David. (See Josephus, Wars,

Book V, chap. IV, 137.)

Professor Friedman wrote, "Regarding the Citadel of David, the earliest remains that have been found are of the wall built in the 8th-7th century (BCE), several hundred years after David." Perhaps he should have more accurately stated that "Regarding the Citadel of David, the earliest remains found thus far are of a wall that has tentatively been dated to the 8th-7th century, several hundred years after David." Though I do not know Prof. Friedman personally, I would venture to guess that his views regarding the Biblical City of David parallel those of Hershel Shanks, editor-in-chief of *Biblical Archaeology Review*. In a recent article, Mr. Shanks admitted that "everything we thought we knew about ancient Jerusalem is wrong!" Does he mean that *even* Shanks changed his view?

Prof. Friedman is saddened by the fact that my defense of Jewish tradition may be a disservice to those dedicated Jews who have devoted themselves to reclaiming the land from alien hands. Prof. Friedman, be not sad. Those who risk their very lives to reclaim our holy soil deserve my eternal admiration. It is I who is saddened because these dedicated men and women have fallen under the spell of the Biblical revisionists. **JA**

#### ***About the Cover***

*"I feel a responsibility as a photographer and as a Jew to document contemporary Jewish life. Sometimes I've tried to imagine what it might have been like to photograph various events throughout Jewish history. The challenge is to feel a part of the continuum. When I get married and have children, I know my own family will become the subject of many of my photographs."*

*Judah S. Harris' portraits of Jewish life and life in general have been featured in exhibits, on the Op-Ed pages of The New York Times, and on the covers of over 30 novels. He "discovered" photography in 1984 while spending a year in Israel at Yeshivat Kerem B'Yavneh. His photographs can be seen on the web at: [www.JewishWorldReview.com/598/Harris.htm](http://www.JewishWorldReview.com/598/Harris.htm) and [www.contact-me.net/JudahSHarris](http://www.contact-me.net/JudahSHarris)*