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Publication Date

2015

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UNIVERSITY OF CALIFORNIA

Los Angeles

History in the Public Courtroom:

Commissions of Inquiry and Struggles over the History and Memory of Israeli Traumas

A dissertation submitted in partial satisfaction of the
requirements for the degree of Doctor of Philosophy

In History

by

Nadav Gadi Molchadsky

2015

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ABSTRACT OF THE DISSERTATION

History in the Public Courtroom:
Commissions of Inquiry and Struggles over the History and Memory of Israeli Traumas

by

Nadav Gadi Molchadsky

Doctor of Philosophy in History

University of California, Los Angeles, 2015

Professor David N. Myers, Co-Chair

Professor Arie B. Saposnik, Co-Chair

This study seeks to shed new light on the complex web of relations among history, historiography and contemporary life. It does so by focusing on Israeli commissions of inquiry that have taken rise in the wake of major national traumas such as failed battles in the 1948 War, the Yom Kippur War, and the assassination of the Zionist leader Chaim Arlosoroff. Each one of these landmark events in the history of Israel was investigated by a state or a military commission of inquiry, whose members and audience operate as authors of history and agents of memory. The study suggests that commissions of inquiry, which have been studied to date primarily as legal, administrative, and political bodies, in fact also operate as a public historian of a unique kind. In this capacity, and unlike a professional historian, commissions are by definition expected not to refrain from making ethical and legal judgments. On the contrary, judgment is, in the final analysis,

the underpinning motivation for their historical inquiry. Moreover, commissions of inquiry, and the way their work reverberates within the public sphere, and in professional and popular historiography, allow us to focus on processes of collective-memory formation. While commissions have the ability to shape conventional views regarding matters of vital public importance, this ability is dependent on a wide range of factors, circumstances and their particular admixture in the decades that follow the completion of the commission's work.

The case studies analyzed in the dissertation reveal the way in which Israeli society has struggled to forge memories of—and historical judgments about—difficult chapters in the country's history. In the course of analysis, the dissertation also examines questions such as who is understood to have the right to make historical judgments on matters deemed to be of vital public importance? In what ways have commissions of inquiry contributed to the shaping and revision of Israeli history and memory? What factors and circumstances have enabled or prevented them from doing so? What light do they shed on social conceptions of the difference between historical truth, political truth and legal truth, and how do such distinctions influence the work and deliberations of commission members themselves? Through such questions, and by applying a comparative analysis, the study seeks to open a vista into the ways in which a national society such as Israel, processes and negotiates its past and its memory of it.

The dissertation of Nadav Gadi Molchadsky is approved.

Lynn A. Hunt

Sarah Abrevaya Stein

David N. Myers, Committee Co-Chair

Arieh B. Saposnik, Committee Co-Chair

University of California, Los Angeles

2015

For my parents,

Avinoam and Chaviva,

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Photos are courtesy of the Government Press Office, the Sha'ar ha-Golan Archives, the Government Press Office, the Israeli Defense Forces and Defense Establishment Archives, and Judge Gilon as detailed in the body of the text

Acknowledgments

It takes a village to raise a child let alone to train a doctoral student. The long road toward completion of my degree ends by writing these lines. Along the entire way I have enjoyed the support of quite a few people who have followed me down the road, and helped me to pave it. Each one of them deserves much credit. The responsibility for any error that might appear in this study is obviously mine alone.

I was blessed by an incredibly supportive doctoral committee of four outstanding scholars, teachers and educators. Each one of them has been an endless source of inspiration and pride. Professor David Myers opened the gate to UCLA to me and led me to the finish line. In Mishnah Avot (1:6) it says “Make yourself a rabbi and acquire for yourself a friend.” I originally followed Professor Myers to Los Angeles to study Jewish history. Little did I know, however, that he would soon become a teacher for life, a role model as a family man, a community leader and a *mensch*. My enormous thanks and gratitude for him go beyond what I can express in words. My warmest thanks also go to Nomi Stolzenberg, Tali, Noa and Sara, for their warm hospitality and much generosity on so many occasions over the years.

A new and invigorating phase in my doctoral studies began in my second year in the graduate program of the History Department, when Professor Arie Saposnik joined the UCLA faculty. What started as exciting informal discussions about the history of Zionism with an “outsider” from the Near Eastern Languages and Cultures Department, soon led to close working relations with a new co-chair of my doctoral committee. There was no other office on campus like Arie’s, which I used to visit in the most “Israeli” fashion. I showed up uninvited but was always warmly welcomed. Campus did not look the same for me after Arie left UCLA for a position at Ben-Gurion University of the Negev, Israel. I was most happy and privileged to be able to continue

working with him after his relocation. I authored the final sections of this dissertation under his auspice at the campus of the Ben-Gurion Research Institute for the Study of Israel and Zionism in Sede Boker. The days I spent there were an amazing professional and personal experience, also thanks to the warm hospitality of Sara Saposnik, Halel, Neta, Ayana, and Luna.

I owe a profound debt to the two other members of my doctoral committee—Professor Lynn Hunt and Professor Sarah Abrevaya Stein—who are, for me and for so many others, beacons of excellence and professionalism. I am grateful for Professor's Hunt critical reading, for the lessons and opportunities she gave me as a student and as a teaching assistant, and for her ongoing support in my attempts to reach out to the scholarly community beyond UCLA. Professor Stein, who has followed my studies at UCLA since the beginning, helped me to set some of the corner stones of my dissertation. I benefited dearly from her willingness and ability to listen to my ideas, from her pragmatic approach, and from her idiosyncratic thinking. Her words of advice and encouragement helped me to stay on track at quite a few junctions along the way.

Thanks are due to a number of UCLA units and staff, which enriched my intellectual experience on campus, supported me financially, and led me through the maze of university bureaucracy. First, the UCLA Department of History, its magnificent Student Affairs Manager, Hadley D. Porter, and the former Graduate Counselor, Eboni Shaw. I attended numerous events organized by the UCLA Center for Jewish Studies, and was fortunate to win its 2012-2013 Advisory Board Fellowship. I wish to extend special thanks to the director of the center, Todd Presner, the Community Affairs Coordinator, Mary Enid Pinkerson, and the Assistant Director, Vivian Holenbeck. An additional anchor on campus was the Younes and Soraya Nazarian Center for Israel Studies. It was a pleasure to cooperate with its interim director, Neil Netanel, with his deputy director, Maura Kleman Resnick, and the Center Administrator, Jasmine Lin.

In the course of researching the dissertation I relied heavily on the outstanding services of the UCLA library and librarians. During the 2012-2013 academic year, I also used the library services of Tel-Aviv University, Israel, which was my first academic home. This was possible thanks to the warm hospitality of Assaf Likhovski and the Berg Institute for Law and History that welcomed me as a visiting scholar. On other visits to Israel I benefited greatly from the kindness of two family relatives—Tova Milo from the School of Computer Science of Tel-Aviv University, and Hilla Milo of the Open University of Israel—whose access to academic libraries together with their willingness to help with a smile was of immense help.

I owe many thanks to the following archives and archivists: The archive of the Jabotinsky Institute in Israel; The Central Zionist Archives (Batia Leshem); The Israeli Defense Forces and Defense Establishment Archives (Doron Avi-Ad, Avi Tzadok and Ifat Glinik-Arnon); The Israel State Archives (Hlena Vilensky and Galia Weisman); The Menachem Begin Heritage Center (Rami Shtivi), the Yad Tabenkin—The Research and Documentation Center of the Kibbutz Movement (Aharon Azati and Yuval Ron); the archive of kibbutz Nitzanim (Nava Zelinger), and the archives of kibbutz Sha'ar ha-Golan (Ziva Dror). To this list I should also add those who were willing to share with me their personal experiences about the cases I was studying.

Writing a dissertation in a foreign language was anything but an easy task. Professor Myers and Professor Saposnik put a lot of effort into polishing my English manuscript. I received further assistance from Livia Goldenblatt, Dan Goldenblatt, Aaron Hass and Michal Lemberger. My collaboration with Stephanie Chasin, who proofread several parts of the dissertation, was a lesson in and of itself in academic writing. I also benefited from my work with Keren Gliklich and Hadas Blum who edited the Hebrew article I published in 2013 about the Agranat Commission. The chapter about the topic in this dissertation is basically an English version of that Hebrew article.

An additional major challenge I was facing during my years as a graduate student was the geographic distance from my family. While I was at "the edge of the West," as the medieval poet famously wrote, my heart was in the East. Here I will mention only a handful of relatives who have a special interest in my professional path. First, my brother of many skills and talents, Yoav Molchadsky, who assisted me over the years in so many ways. Since I was a child, I have observed the endless activities of my uncle, Yigal Milo. His exemplary ability to plan complex projects, execute them successfully, and present them to the world has been an enormous source of inspiration, which helped me to complete my doctorate. Amir Milo has been one of my most loyal readers and a partner for many brainstorming sessions about past, present, and future affairs. He was also the most frequent visitor of the family to my Los Angeles apartment and a companion on some of my most enjoyable trips in California. Other cousins of mine—Hadassa Yovel, Ron Milo, and Yael Milo—mean more than I can put on paper. Ron encouraged me to pursue graduate studies in the States even before he did his post-doctorate in Boston. He was also kind enough to allow me to draft some of the preliminary versions of the dissertation's introduction at his office at the Weizmann Institute for Science. I received much attention and affection from Tamar Avrahami and the late Marik Omer who always found a particular interest in my work, and passed away at a relatively early phase of this project. Two other relatives who passed away during my graduate studies were my optimistic and resourceful grandfather, Zvi Cohen, and my beloved uncle, Rabbi Yosef (Yossi) Molchadsky. The first embodied, in his own unique way, what the great Jewish historian Yosef Hayim Yerushalmi called the faith of the fallen Jew. Yossi, on the other hand, was a *talmid haham* who lived in the sea of the Talmud. The lessons I received from both of them about Jewish history and culture were second to none. To complete this section I should also mention Itamar, Tali, Aviv and Tomer-Zvi.

My warmest thanks and much appreciation also go to three Jerusalem friends. The wonderful Jan and Amos Avgar have bestowed upon me much affection and support over the years. Amos' words of advice, his sense of humor and optimism pushed me to the finish line during my time as both an undergraduate and a graduate student. Their neighbor from the other side of town and the Israel Museum, Frau Ester Muchawsky-Schnapper, has been a wonderful friend for many years now. Among the many good people I met in Los Angeles I would like to extend special thanks to my good friends Yael and Danny Abiri, Aaron Hass, Kassem Nabulsi and Asael Papour.

Last but not least, my parents, Avinoam and Chaviva, whose endless love and support follow me wherever I go. They know, more than anyone else, that my academic achievement is in fact our achievement. It is to them that I dedicate this dissertation.

Nadav G. Molchadsky

Kfar-Sava, Israel and Los Angeles, California, December 2014

Curriculum Vitae

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- 2013 • “The Concept: The Agranat Commission Report and the Making of Israeli Memory of the Yom Kippur War,” *Iyunim Bitkumat Israel* 23 (2013): 34-64 (in Hebrew).
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- Languages:**
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Note on Sources and Transliteration

The analyses of the historical debates discussed in this study are based on a myriad of primary and secondary sources. It goes without saying that I relied heavily on inquiry reports. While some of these were circulated widely years ago, I found others in several state and private archives. I have used the good services of the Israel State Archives (ISA), the facilities of the IDF and Israel Defense Establishment Archives (IDFA), the Central Zionist Archives (CZA), the Jabotinsky Institute in Israel, the Menachem Begin Heritage Center, the Yad Tabenkin Archives—the Research and Documentation Center of the Kibbutz Movement (YTA), and the archives of kibbutz Nitzanim and Sha’ar ha-Golan. The material stored in these archives helped me to get a better sense of the back channels of the commissions and the ways their work has reverberated in the Israeli public sphere during their work and after the publication of their reports.

Most helpful was also a large corpus of professional and non-professional historiography about the cases at hand. This literature enabled me to present the historical background of the traumas; their cultural and scholarly representations, and the nexus between these representations and the inquiries discussed. To get a better sense of public debates over Israeli historical memory, I also used a large array of daily newspapers, and political, military and kibbutz bulletins. When possible, I conducted oral interviews with people who personally experienced the events, and/or took part in the work of the commissions of inquiries. For obvious reasons, most of the historical sources I used are in Hebrew. References to such sources appear in English transliteration according to the guidelines of the Library of Congress (without diacritic marks). To make the text as clear as possible to readers who do not command Hebrew, I translated Hebrew terms into English with the exception of some widely known Hebrew terms such as “kibbutz,” “Yishuv,”

“ha-Shomer ha-Tsa’ir” and “Mapai.” Unless otherwise mentioned, all translations in this study are mine.

Introduction

This introduction is being written in the immediate wake of another round of violence in the Arab-Israeli conflict. The summer of 2014 was particularly tragic due to fifty-one days of intensive fighting between Israel and Hamas ("Operation Protective Edge"). Calls by Israelis to set up a commission of inquiry to investigate whether the Israeli army (IDF) acted in accordance with its ethical code, whether the IDF was properly prepared for the fighting, and whether the intelligence corps were fully aware of the military challenges Hamas posed to Israel, were raised even before the fighting was over. These calls predated demands by the international community to investigate alleged violations of international law. In an interview given after the fighting by the former director of the Israeli intelligence corps to the Israeli daily newspaper *Haaretz*, General (Ret.) Uri Sagi recounted what he called the “well known joke about the days of Ashura—the same days when Shiite believers whip themselves until they bleed—are in fact a typical Jewish holiday. By the end of any war or military operation we [Israelis] have Ashura celebrations. This includes the Agranat Commission [that investigated the Arab-Israel War of October 1973], the [2006] military engagement in Lebanon, and more.”¹

In recent decades, commissions of inquiry have become integral to Israeli political culture not only in the context of military affairs, but also in many other quarters in Israeli public life. Every now and then, Israeli public figures, office holders, and ordinary citizens demand the establishment of a commission of inquiry to clarify a matter considered to be of vital public importance. Some of these calls appear quite esoteric—for example, the call by the Minister of Culture and Sport, Limor Livnat, to inquire into the failure of Israeli athletes in the 2012 summer

¹ See the interview journalist Dalia Karpel held with Uri Sagi, “*Hakol Taktikah*,” *Haaretz*, Weekend Section, September 11, 2014.

Olympics Games in London.² Other calls, however, touch on matters that dig much deeper into the heart of Israeli society. What such calls share in common is a fundamental understanding that commissions of inquiry, especially state commission of inquiry, are the most appropriate and most effective state-mechanism to study the causes and consequences of national catastrophes.³ Moreover, according to this line of reasoning, commissions of inquiry are able to draw conclusions and make operational recommendations to prevent further catastrophes from taking place in the future. Whether these claims are true or false—a question that stands at the heart of many studies about Israeli and non-Israeli commissions of inquiry—these official state bodies inquire only into failures and mishaps, and not into successes to be celebrated. In response, former President Shimon Peres urged Israeli leaders to establish "commissions of inquiry about successes, rather than failures. We should learn from what we did right," and not just from what was done wrong.⁴

The large body of scholarship about Jewish collective memory pays much attention to the response to traumas and atrocities. After all, a sense of existential fear has been integral to Jewish collective identity for centuries.⁵ Ironically, this sensibility also permeated Zionist collective

² The call of Minister Livnat to inquire into the would-be failure of Israeli athletes in the 2012 Olympic Games received much public attention. See for example: <http://sports.walla.co.il/item/2556789> (last visited on November 13, 2014).

³ The notion that Israeli and non-Israeli commissions of inquiry are powerful bodies stands in total contradiction to another aspect of their public image. According to this image, office holders establish inquiries to delay or defuse action. See Amy Zegart, "Blue Ribbons, Black Boxes: Toward a Better Understanding of Presidential Commissions," *Presidential Studies Quarterly*, 34:2 (Jun. 2004): 366. For one of many examples of the notion that Israeli state commissions of inquiry are, in fact, the most appropriate state-mechanism to study a national tragedy, see, Omri Assenheim, *Zeelim: Ha-Trauma shel Sayeret Matkal* (Or Yehudah 2012), 296-297.

⁴ Peres made this statement on June 21, 2012, following an inquiry by the state comptroller into the 2010 forest fire on Mount Carmel, which claimed the lives of forty-four people. The event gave the impression that the fire department was not prepared to cope with fires of this magnitude. See <http://mivzakim.net/view/feed/87/date/2012-06-21> (last visited on November 13, 2014).

⁵ As Hayden White famously noted in the context of nineteenth century historiography, historians tend to give special attention to traumatic events. See *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore 1973). On trauma and atrocities as organizing principles of Jewish collective memory see, Esther Benbassa, *Suffering as Identity: the Jewish Paradigm* (London 2010); David G. Roskies, *Against the Apocalypse: Responses to Catastrophe in Modern Jewish Culture* (Syracuse N.Y. 1999); Alan Mintz, *Hurban: Responses to Catastrophe in Hebrew Literature* (New York 1984); Salo W. Baron, "Ghetto and Emancipation," *Menorah* 14:6 (1928): 515-526; David N. Myers, "'Mehabevin et ha-tsarot': Crusade Memories and Modern Jewish Martyrology," *Jewish History* 13:2 (Fall 1999): 49-64; Yosef Hayim Yerushalmi, "Toward a History of Jewish Hope," David N. Myers and Alexander Kaye eds. *The Faith of Fallen Jews: Yosef Hayim Yerushalmi and the Writing of Jewish History* (New

memory, in spite of a national effort to leave behind such traditional Jewish ways of thinking. Since the Holocaust, a sense of trauma and existential threat has continued to be a central component of Israeli culture. Accordingly, there is a tendency to periodize Israeli history according to traumatic events, such as wars.⁶ A vivid expression of this notion is found in a recently published column by one of Israel's leading journalists, Nahum Barnea:

Israeli society is riddled with the experience of trauma. Each sector carries on its shoulders its own trauma, and sometimes even more than one trauma. Holocaust survivors went through hell during the Nazi period, and were humiliated and discriminated against [by the Sabras]; The second generation of Holocaust survivors absorbed the trauma from their parents; The Arabs in Israel remember the Nakba, the [1948] War, the occupation, their dispossession [from the land] and the animosity they encounter on a daily basis; Mizrahi Jews remember the social gap [between them and Ashkenazi Jews], the desolation and despair in the immigrant camps [during the first years of Israeli statehood] and the prejudices against them [in the decades that followed]; the settlers who were evacuated

England 2014), 299-317. Also relevant here are quite a few studies about the topic of Jews and power such as the ones by David Biale, *Power & Powerlessness in Jewish History* (New York 1986), Ruth R. Wisse, *Jews and Power* (New York 2007); Derek J. Penslar, *Jews and the Military: A History* (Princeton 2013).

⁶ About Israeli historical memory of national traumas see, for example, Robert S. Wistrich and David Ohana, eds., *The Shaping of Israeli Memory: Myth, Memory and Trauma* (London and Portland OR. 1995); Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (Chicago and London 1995); Ruth Amir, *The Politics of Victimhood: The Redress of Historical Injustices in Israel?* (Tel-Aviv 2012); Idith Zertal, *Israel's Holocaust and the Politics of Nationhood* (Cambridge 2005); Jeffery C. Alexander, *Trauma: A Social Theory* (Molden 2012), especially 97-117. It goes without saying that the Holocaust, its implications on Israeli society, and its cultural representations in Israeli culture have attracted much public and scholarly attention. Some of the many studies about the topic are Tom Segev, *The Seventh Million: The Israelis and the Holocaust* (New York 1993); Moshe Zuckerman, *Shoha in the Sealed Room: The Holocaust in Israeli Press During the Gulf War* (Tel Aviv 1993), and *ibid*, *Leave my Holocaust Alone: The Impact of the Holocaust on Israeli Cinema and Society* (Jerusalem 2002); Anita Shapira, "Ha'shoah: Zikaron Perati ve-Zikaron Tsiburi" in *ibid*, *New Jews Old Jews* (Tel-Aviv 1997), 86-104; Dina Porat, *The Smoke-Scented Coffee: The Encounter of the Yishuv and Israeli Society with the Holocaust and its Survivors* (Tel-Aviv 2011). Also relevant here is Marianna Ruah-Midbar and Adam Klin-Oron, "Jew Age: Jewish Praxis in Israeli New Age Discourse," *Journal of Alternative Spiritualities and New Age Studies* 5 (2010), 36. About the periodization of Israeli history see, Yechiam Weitz, "Kets ha-reshit – Levirur ha-Musag Reshit ha-Medinah," *ibid*, ed., *From Vision to Revision: A Hundred Years of Historiography of Zionism* (Jerusalem 1997), 235-257 and Zeev Tsahor, "Me'ever le-Dimdumei ha-Ethosim ha-Meyasedim," Anat Kurz, ed., *Thirty Years Later* (Tel-Aviv 2004), 99-106.

from the Rafah area following the [1979] peace [accords] between Israel and Egypt, and from the northern parts of the Gaza strip during the [2005] disengagement period live the pain of their displacement; the immigrants from Russia [who arrived in the country in the 1990s] remember the humiliations and the disdain for their heritage; Ultra-orthodox Jews remember the hatred of secular Jews; the latter remember the religious exclusion; the right [political wing] remembers the hatred of the left during the days of the Arlosoroff murder [1933]; the left remembers the hatred of the Right in the days of the murder of [Prime Minister Yitzhak] Rabin [in 1995]. There are many reasons for agony in Israel. The Yom Kippur War [of October 1973] is one among many reasons... Any [historical] baggage Israelis carry on their back ought to be treated with much respect. But the real test lies in the way [Israelis] cope with this baggage, and in their ability to look forward—what are the lessons that society learns, that people learn from past mistakes, and how they rehabilitate themselves from them.⁷

The timing of the publication of this column on Yom Kippur of 2013 was not accidental. According to Jewish tradition, Yom Kippur (the Day of Atonement) is an occasion for self-reflection. Yom Kippur 2013 marked the fortieth anniversary of the Arab-Israeli War of October 1973 (“The Yom Kippur War”), which is widely viewed in Israel as the greatest national trauma in the history of the country, second only to the Holocaust. Although one could surely add additional traumas to Barnea’s list, in this context it is more important to draw attention to the comment with which he concludes his column, and to an additional point that he did not make. Interestingly, almost every one of the traumas mentioned in the column led to the establishment of a state commission of inquiry, or commission of some other kind (e.g. military or

⁷ Nahum Barnea, “*Lamut be-‘ad Artsenu*,” *Yediot Ahronot* (Yom Kippur Section), September 13, 2013, 2.

parliamentary), which are generally accepted in Israel as a means to process process major national traumas and disasters.

By and large, commissions throughout the world tend to fall into one of two categories. The first type of commissions is future-oriented and examines social phenomena with the aim of devising means to prevent crime, violence, or other undesirable behaviors. Other commissions study traumatic events from the distant or recent past, such as wars, political assassinations, and historical injustices.⁸ In spite of the differences that set the two models of commissions apart from one another, both types are expected to restore public trust in the executive branch, which is responsible for the matters under investigation.⁹

Existing scholarship on commissions of inquiry points to three main functions by which inquiries fulfill, or seek to fulfill, their social-political role. The first function is administrative (policy-oriented) by nature, and casts commissions in the position of advisory bodies. This means, in practice, that commissions seek to draw conclusions and make operational recommendations to the executive branch in an attempt to better prepare for future challenges, and to try to prevent repetition of past mistakes. The second function commissions of inquiry perform is legal by nature, making personal recommendations about the responsibility of office holders who have failed to carry out their public duties. In so doing, inquiries protect public ethics and operate in a way that is reminiscent of courts. However, unlike adjudication before a court, which seeks to resolve disputes among individuals or between the individual and the state, a commissions of inquiry's basic function is to clarify facts—a function that relies on historical research. Commissions of

⁸ Jonathan Simon, "Parrhesiastic Accountability: Investigative Commissions and Executive Power in an Age of Terror," *The Yale Law Journal* 114:6 (2005), 1419-1457.

⁹ See Avigdor Klagsbald, *Tribunals of Inquiry* (Nevo 2001); Yehouda A. Shenhav and Nadav Gabay, "Managing Political Conflicts: The Sociology of State Commissions of Inquiry in Israel," *Israel Studies* 6:1 (Spring 2001), 126-156, cf. Mordechai Kremnitzer, "The Landau Commission Report – Was the Security Service Subordinated to the Law, or the Law to the "Needs" of the Security Services?," *Israel Law Review* 23 (1989), 216-279.

inquiry are, therefore, not legal bodies in a complete sense, but rather quasi-legal bodies that operate in the twilight zone between the legal world and historical investigation for the sake of present and future challenges. The third field in which commissions of inquiry function is political by nature. State officials normally establish inquiries following the demands of certain constituencies to insure that office holders are held accountable for their actions and non-actions. Accordingly, scholars of commissions have paid much attention to the impact that inquiries have had on the political systems of their countries, as well as to factors and circumstances that lead politicians to set them up or to abstain from doing so. It goes without saying that these three aspects in the commissions' work—the administrative, quasi-legal, and political—are intertwined. This also explains why some scholars of commissions of inquiry have underscored the difficulty in defining these bodies.¹⁰ In any event, commissions of inquiry should be looked at as part of a wider socio-political process of processing and managing national mishaps or traumas.¹¹

¹⁰ See, for example, Zegart, "Blue Ribbons, Black Boxes," 374, and compare to Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York and London 2012), 10, and Allen Peachment in *ibid*, ed., *Years of Scandal: Commissions of Inquiry in Western Australia 1991-2004* (Crawley, W.A. 2006), xx-xxi). For useful definitions of commissions of inquiry see, Gerald Rhodes, *Committees of Inquiry* (Great Britain 1975), 34; Raanan Sulitzeanu-Kenan, "Reflection in the Shadow of Blame: When do Politicians Appoint Commissions of Inquiry?" *British Journal of Political Science* 40:3 (2010): 615; and Denise E. Bellamy in the 2005 Toronto Computer Leasing Inquiry Report: http://www.toronto.ca/inquiry/inquiry_site/report/pdf/TCLI_TECI_Report_Inquiry_Process.pdf (last visited on November 13, 2014).

¹¹ This paragraph is a synthesis of quite a few studies that examine the work of Israeli and non-Israeli commissions of inquiry. The scholarly corpus on the topic is quite large. The following are, therefore, just a handful of major studies on which I have relied: Cyril Salmon, *Tribunals of Inquiry* (Jerusalem 1967); Gerald E. Le Dain, "The Role of the Public Inquiry in our Constitutional System," in Jacob S. Ziegel, ed. *Law and Social Change* (Toronto 1973), 79-101; Zeev Segal, "Va'adat Hakirah mi-Koah Hok Va'adot Hakirah, 5729-1968: Ma'amadan ha-Konstitutsiyoni u-Mivham ha-Legitimiyut li-Fe'ulatahm" *Mehkare Mishpat* 3 (1984): 199-246; Yitzhak Zamir, "Va'adat ha-Hakirah min ha-Behinah ha-Mishpatit," *Ha-Peraklit* 35:3 (1983), 323-332; Dominic Elliott and Martina McGuinness, "Public Inquiry: Panacea or Placebo?" *Journal of Contingencies and Crisis Management* 10:1 (March 2002): 14-25; Stephen Sedley, "Public Inquiries: A Cure or a Disease?" *The Modern Law Review* 52:4 (Jul. 1989): 469-479; George T. Sulzner, "The Policy Process and the Uses of National Governmental Study Commissions," *The Western Political Quarterly* 24:3 (Sep. 1971): 438-448; Nadav Gabay, *The Political Origins of Social Science: The Cultural Transformation of the British Parliament and the Emergence of Scientific Policymaking, 1803-1857* (PhD diss., University of California, San Diego, 2007); Kenneth Kitts, *Presidential Commissions & National Security: The Politics of Damage Control* (Boulder, CO 2006); Raanan Sulitzeanu-Kenan, "If they get it Right: An Experimental Test of the Effects of the Appointment and Reports of UK Public Inquiries," *Public Administration* 84:3 (2006): 623-653; D. H. Borchardt, *Commissions of Inquiry in Australia: A Brief Survey* (Melbourne 1991); Ayelet Harel-Shalev, *The Challenge of*

This dissertation relies heavily on existing scholarship about commissions of inquiry from Israel and other countries. Nevertheless, the study focuses on a fourth function inquiries perform, or are expected to perform, and that has received surprisingly little scholarly attention—a lacuna that the dissertation seeks to fill. Commissions of inquiry produce histories of landmark events in their countries' pasts in an attempt to enable society to process and cope with them. Their official state narratives are applied histories, which, at least on paper, are intended to have a therapeutic effect. The authoring of a historical narrative about a matter of “vital public importance” is part and parcel of any inquiry which amalgamates findings, conclusions, and recommendations.¹² The Winograd Commission, which investigated Israel’s military engagement in Lebanon 2006 (known in Israel as “the Second Lebanon War”) made this point clearly:

We see our role here neither as history writing nor as commentators of the Second Lebanon War . . . We have focused on the facts related to the topics of our inquiry and analysis, as well as on issues about which we decided to draw conclusions. . . [W]e describe the evidence we found; the things that were said, and the decisions that were made, without "color" or interpretation. Our goal has been to allow the source material to speak for itself. . . We differentiated rigorously between things said in real time, and estimations made in retrospect. At the same time, it goes without saying that making thousands of pages and documents, minutes and testimonies into one "story" requires editing, and while such

Sustaining Democracy in Deeply Divided Societies: Citizenship, Rights, and Ethnic Conflicts in India and Israel (Lanham, Md. 2010); Yehezkel Dror, *Be Our Leader! A Guide for Perplexed Jewish-Zionist Foundational Leaders* (Tel-Aviv 2011), and other studies mentioned in the body of this study in general, and in the introduction in particular.

¹² According to Section 1 of the Israeli Commissions of Inquiry Law, 5729-1968: “When it appears to the Government that a matter exists which is at the time of vital public importance and requires clarification, it may decide to set up a commission of inquiry which shall inquire into the matter and shall make a report to it.” Under certain conditions, the Knesset State Control Committee may also establish a state commission of inquiry. An English translation of the law is available in *Laws of the State of Israel*, vol. 23 (Jerusalem 1968), 32-39. The most comprehensive study about this law is by Klagsbald, *Tribunals of Inquiry*.

editing is essential, it is dependent on the goals of the narrative, which are the fulfillment of the commissions' assignments.¹³

This quote throws a spotlight on a number of methodological issues. While not using the language of professional historians, the commissioners indicate here that they are at least partly alert to potential flaws in their historiographical work, such as anachronism and backshadowing.¹⁴ On the other hand, the commissioners seem to insist on their ability to write an objective, factual narrative, namely to capture history "as it actually was," to borrow Ranke's charged words. Not surprisingly, later in the report they make a counter argument.¹⁵

History by commissions of inquiry is applied history that falls into the category of history of the present, that is, history that "deals with the recent past, the one for which there are still living actors. . . [it is] the history of a past which is not yet dead, which is still borne in the speech and experience of living individuals, and thus a past consisting of active and uniquely vital memories."¹⁶

In addition to the risk of anachronism, history by commission of inquiry also carries the potential

¹³ *Va'adah li-Vedikat eru'e ha-Ma'arakhah bi-Levanon 2006: Din ve-Heshbon Sofi*, 2008 (hereafter, the Winograd Report), 79 and compare to 40, 54, 61 and 70. The report is available online at: www.vaadatwino.gov.il (last visited on November 17, 2014).

¹⁴ On theoretical discussions about the danger of anachronism (hindsight) in the work of Israeli commissions of inquiry, see the piece by Yisrael Lieblich, "Va'adat Hakirah min ha-Ebet ha-Psihologi o—ha-Dalut she-baretrospektivah," *Hapraklit* 37:3 (1987): 417-423, and Klagsbald, *Tribunals of Inquiry*, 338-340. A number of high-ranking Israeli officers, who were harshly criticized by Israeli state and governmental commissions of inquiry, accused the commissions of anachronism. General Rafael Eitan made this point in the context of the Kahan Commission, which investigated the 1982 massacre in the refugee camps of Sabra and Shatilia. See *The Beirut Massacre: The Complete Kahan Commission Report with an introduction by Abba Eban* (Princeton 1983) and compare to Rafael Eitan, *Mitsnah Revi'i Niftah* (Tel Aviv 2001). General Dani Halutz raised allegations regarding the alleged anachronistic approach of the Winograd Commission. See his book *Straightforward* (Tel Aviv 2010), 360-361, 497, 506, 512. On anachronism and the Agranat Commission see, Malcolm Gladwell, "Connecting the Dots: The Paradoxes of Intelligence," *ibid*, *What The Dog Saw and other Adventures* (New York 2009.), 244-263.

¹⁵ *The Winograd Report*, 40, 305 fn. 42, 360, 417, and compare to the Israeli state Commission of Inquiry that investigating the Disappearance of Yemenite Children between 1948 and 1954, *Va'adat ha-hakirah ha-Mamlakhtit be-'Inyan Parashat He'almutam shel Yeladim mi-ben 'Ole Teman ba-Shanim 1948-1954* (Jerusalem 2001), 287 (hereafter, the Cohen-Kedmi Commission).

¹⁶ Here I have borrowed the definition by Henry Rousso who studies contemporary French historical memory (not necessarily in the context of commissions of inquiry). See *ibid*, *The Haunting Past: History, Memory, and Justice in Contemporary France* (Philadelphia 1998), 25, 33. Also relevant here is the piece by Michael Schudson, "The Present in the Past Versus the Past in the Present," *Communications* 11:2 (1989): 105-113.

for teleology and Whig-style historical interpretation, which bolster the very political system that set up the inquiry in the first place. Whether commissions of inquiry do, in fact, write anachronistic history to solidify the political status of public figures is an open question. According to some historical readings, which are in themselves open for interpretation, a few Israeli commissions did exactly that.¹⁷ Either way, commissions author present-minded histories not just out of intellectual curiosity, but also for actual social and political needs which demonstrate Edward Freeman's famous saying that "history is past politics and politics is present history."¹⁸ The boundaries between past and present in the work of commissions of inquiry are, therefore, not necessarily self-evident since their work is present and future focused.

Commissions of inquiry expose the complex web of relations between history, historiography, and contemporary life, which is the principal focus of this study. More specifically, this study presents the work of commissions of inquiry as part of a wider public attempt to reach a sense of historical truth regarding matters of vital public importance. Commissions of inquiry engage in their task in which differing representations of a given event vie for legitimacy and authenticity.

The lens of commissions of inquiry focuses on the processes of collective-memory formation, and the ways in which Israeli society and polity have processed, negotiated, and re-negotiated a number of national traumas embedded in the country's recent past.¹⁹ Two of the main

¹⁷ The term "Whig-style historical interpretation" is borrowed from Herbert Butterfield, *The Whig Interpretation of History* (London 1931). For Claims regarding teleological readings of Israeli commissions of inquiry see note 14 above. Also relevant in this context is Nehemia Shtrasler, *Don't Let Them Fool You* (Or Yehuda 2014), 109-111.

¹⁸ For more about Freeman's saying and his historiographical approach see, J. W. Burrow, *Victorian Historians and the English Past* (Cambridge and New York 1981), 163-164 and Gertrude Himmelfarb, *The New History and the Old* (Cambridge MA 1987), 149.

¹⁹ The scope of the scholarship about collective memory and the ways societies remember is enormous. To mention just a few of many studies about these topics see the landmark book by Maurice Halbwachs, *On Collective Memory*, trans. and ed. by L. A. Coser (Chicago 1992 [1925]); Jeffrey K. Olick, Vered Vinitzky-Seroussi, Daniel Levy, eds. *The Collective Memory Reader* (Oxford New York 2011); Paul Connerton, *How Societies Remember* (Cambridge and New York 1989); John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the*

questions that stand at the core of this study are 1) how do Israelis forge or seek to forge metanarratives of landmark events in the history of the country, and 2) what role did commissions of inquiry play in the process? The study also seeks to illuminate major factors and circumstances that enabled specific commissions of inquiry to function as effective agents of memory, that is to say, to render an enduring impact on Israeli historical memory.²⁰

This study suggests that commissions do have the ability to shape conventional views regarding matters of vital public importance. Nevertheless, the prospect for a given commission of inquiry to become an effective agent of collective memory is highly dependent on a wide range of factors and circumstances in the decades that follow the completion of the commission's work. Commissions have no control over some of these factors, such as the timing of their establishment, their letters of appointment, and the activity (or lack thereof) of agents of memory who find a particular interest in the topic of the investigation in the years that follow its completion. On the other hand, commissions are free to decide how to interpret their mandates, what topics they wish to focus on, what topics to devote less attention to or shunt aside, and whether their reports should be kept confidential or made open to the public. As we shall see, such factors play a crucial role in the ability of commissions of inquiry to function as effective agents of historical memory.

With regard to a commission's ability to influence national historical memory, this study suggests a threefold typology:

Twentieth Century (Princeton NJ 1992); Michael Schudson, *Watergate in American Memory: How we Remember, Forget and Reconstruct the Past* (New York 1992); Efrat Kantor, "Inscribing Their Praise": *The Collective Memory of Hakibutz Hameuchad – Its Formation and Essential Components* (Sede Boker 2007).

²⁰ About different kinds of agents of memory, such as the media, and their ability to leave a lasting imprint on the collective memory of their countries see, Gary Alan Fine *Difficult Reputations: Collective Memories of the Evil, Inept, and Controversial* (Chicago and London 2001); Jill A. Edy, *Troubled Pasts: News and the Collective Memory of Social Unrest* (Philadelphia 2006); Gladys Engel Lang and Kurt Lang, *Etched in Memory: The Building and Survival of Artistic Reputation* (Chapel Hill and London 1990); Vered Vinitzky-Seroussi, *Yitzhak Rabin's Assassination and the Dilemmas of Memory* (Albany 2009); Motti Neiger, Oren Meyers, and Eyal Zandberg, eds., *On Media Memory: Collective Memory in a New Media Age* (New York 2011), 1-24.

- 1) Commissions that wittingly or unwittingly are able to shape their historical narratives into national metanarratives.
- 2) Commissions whereby the publication of their reports mark the beginning of a prolonged, systematic and effective commemoration process.
- 3) Commissions of inquiry that are unable to leave an enduring impact on the national historical memory.

To complicate this typology, one should also differentiate between commissions that delve into the history and historiography of events that happened decades earlier and commissions that are set up in the immediate wake of the events that gave rise to the inquiries.

The cases the study focuses on are national catastrophes from Israeli's recent past, such as failed battles in the 1948 War, the Yom Kippur War, and the assassination of the Zionist leader Chaim Arlosoroff (1899-1933). Each one of these landmark events in the history of the country was investigated by at least one state or military commission of inquiry, whose members and audience operated as authors of history and potential agents of memory.

Reading Commissions against the Grain: Israeli Inquiries and the History of Jewish Historiography

This study of commissions of inquiry and processes of collective memory formation originated out of my intellectual curiosity about the way in which historians contributed to Jewish perceptions of the past. I am especially intrigued by what seems to be a substantial gap between two common wisdoms in the study of modern nationalism and Jewish memory. According to the first notion, a central factor of a nation-building project is the creation of a national metanarrative.²¹ According

²¹ See, for example, Homi K. Bhabha, ed., *Nation and Narration* (London and New York 1990), Eric J. Hobsbawm and Terence Ranger, ed., *The Invention of Tradition* (New York 1992); Benedict Anderson, *Imagined Communities*:

to this line of reasoning, historians, à la Jules Michelet, Leopold von Ranke, and the Jerusalem scholars, played a major role in the creation of the national traditions of their countries. Interestingly, quite a few scholars of Jewish history, on the other hand, stress the relatively marginal role Jewish historians played in the formation of Jewish collective memory.²²

A landmark study in the field of Jewish history and memory is *Zakhor: Jewish History and Jewish Memory* by Yosef Hayim Yerushalmi.²³ In this celebrated study, Yerushalmi suggests a dichotomy between Jewish memory, which for centuries was transmitted by literary, liturgical, and communal means, and modern critical history, which originated in the first decades of nineteenth-century Germany. According to Yerushalmi, the rise of the Science of Judaism (*Wissenschaft des Judentums*) expressed the “faith of fallen Jews,” who were beholden to Jewish history but divorced from Jewish memory.²⁴ While traditional Jews saw their past through the lens of memory, for which all events are cyclical recurrences of ancient archetypes, modern historical thinking emphasized the particularity of different historical events. According to Yerushalmi, the Science of Judaism “originated not as scholarly curiosity, but as ideology, one of a gamut of responses to the crisis of Jewish emancipation and the struggle to attain it.”²⁵ Revolutionary as it was, however, in the early decades of the nineteenth century, this brand of academic Jewish historiography, like its contemporary heirs, was not an effective means for forging a modern

Reflections on the Origins and Spread of Nationalism (London 1991), and Ernest Gellner, *Nation and Nationalism* (Ithaca NY 1983).

²² See, for example, Derek J. Penslar, *Israel in History: The Jewish State in Comparative Perspective* (New York and London 2007), 49; Tom Segev, *The New Zionists* (Jerusalem 2001), 109; Anita Shapira, *Jews, Zionists and in Between* (Tel-Aviv 2007), 15; Arnold J. Band, *Studies in Modern Jewish Literature* (Philadelphia 2003), 51-64; Ariel Rein, *Ha-Historiyon be-Vinuy ha-Umah: Tsmihato shel Ben-Zion Dinur u-Mif'alo ba-Yishuv (1884-1948)* (PhD diss., The Hebrew University of Jerusalem, 2000), 6; Yitzhak Conforti, *Zeman 'Avar: Ha-Historiyografiyah ha-Tsiyonit ve-'Itsuv ha-Zikaron ha-Leumio* (Jerusalem 2006), 208; Mordechai Bar-on, *The Beginning of the Israeli Historiography of the 1948 War* (Tel-Aviv 2001), 21, 109-113; Zerubavel, *Recovered Roots*, 5, 21, 83 (footnotes 15, 80 and 26, respectively); and Shapira, *New Jews Old Jews*, 53, 246.

²³ Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle 1982).

²⁴ *Ibid*, 86.

²⁵ *Ibid*, 85.

Jewish group memory. "In effect," Yerushalmi posits, "it is not modern Jewish historiography that has shaped modern Jewish conceptions of the past. Literature and ideology have been far more decisive."²⁶ Over the years, the notion that professional historians have limited ability in creating Jewish and Zionist collective memories has been widely accepted among scholars of Jewish history, historiography, and literature who have made this point in many contexts.²⁷ It has also been acknowledged by scholars who have rejected or nuanced the dichotomy Yerushalmi suggested between history and memory.²⁸

One of these scholars is David N. Myers who wrote extensively about the Jerusalem scholars: a group of European Jewish intellectuals who, beginning in the 1920s, laid the foundations for Jewish studies in the pre-state Jewish community of Palestine (the *Yishuv*). In his studies, Myers shows how polyphonic this group was from a cultural, political, and personal point of view. He presents the Jerusalem scholars as a new phase in the history of Jewish historiography, and as a generation in transition, suspended "between Europe and Palestine, between fealty to *Wissenschaft des Judentums* and loyalty to Zionism, and, consequently, between the instinct to uphold the standards of critical historical scholarship and the desire to forge new boundaries of collective memory."²⁹ The innovative aspect in the historiographical work of the Jerusalem scholars was evident from their research topics (e.g. pre-modern Jewish community and Jewish

²⁶ Ibid, 96. For more about the first generation of Jewish historians in nineteenth-century Germany see, Ismar Schorsch, *From Text to Context: The Turn to History in Modern Judaism* (Hanover and London 1994) and Michael A. Meyer, *The Origins of the Modern Jew: Jewish Identity and European Culture in Germany, 1749-1824* (Detroit 1967), 144-182.

²⁷ See note 22 above.

²⁸ For two important commentaries about *Zakhor* that reject the dichotomy Yerushalmi suggests about the gap between history and memory see, Amos Funkenstein, "Collective Memory and Historical Consciousness," *History and Memory* 1:1 (Spring/Summer 1989): 5-26, and David N. Myers, "Remembering Zakhor: A Super-Commentary," *History and Memory* 4:2 (Fall-Winter 1992): 129-148.

²⁹ David N. Myers, "Between Diaspora and Zion: History, Memory, and the Jerusalem Scholars" in Myers and David B. Ruderman, eds., *The Jewish Past Revisited: Reflections on Modern Jewish Historians* (New Haven and London 1998), 99, and compare to Myers, "Was There a "Jerusalem School?": An Inquiry into the First Generation of Historical Researches at the Hebrew University," *Studies in Contemporary Jewry* 10 (1994): 66-92.

mysticism) and their tendency to read Jewish history on a national level as opposed to social or religious perspectives.

Myers writes that although the the first generation of Jerusalem scholars sought to be the bearers of a new Jewish collective memory (or memories), their scholarly work was not necessarily the most effective means in that process. Their work “did not bring about a unified Zionist historiography, much less a unified mythic foundation for Zionism. Assuming that there was such a mythic foundation in the Yishuv, it was constructed by political leaders and activists whose commitment to scholarly rigor and nuance was considerably less than that of professional academics.”³⁰ Focusing on the founders of academic Jewish studies, Myers deliberately refrained from examining the historical writings of political leaders, such as Yitzhak Ben-Zvi, Zalman Shazar, and David Ben Gurion, who wrote extensively about Jewish and Zionist history.³¹

The centrality of non-professional historians in the creation of a modern Jewish collective memory might be explained by two main reasons. First, in the nineteenth century, Zionism was principally an intellectual enterprise, which was later transformed from an idea into a social movement, and later still into a political movement boasting such galvanizing institutions as the World Zionist Congress and the Jewish National Fund. Many early Jewish nationalists, such as Ahad Ha'am and Joseph Klausner, for example, couched their social analyses and ideological polemics in the form of historical essays, which often dealt with an ostensibly distant past, but had a clearly contemporary purpose.³²

³⁰ Myers, *Re-Inventing the Jewish Past: European Jewish Intellectuals and the Zionist Return to History* (New York and Oxford 1995), 183. One should note that some Jerusalem scholars, like Ben-Zion Dinur and Joseph Klausner, were involved both in academic activity and in political affairs.

³¹ Myers makes this point in his piece “Was There a “Jerusalem School?” 87, footnote 22.

³² Shmuel Almog, *Tsiyonut ve-Historiyah* (Jerusalem 1982). Most relevant here is the piece “‘Avar ve-‘Atid” Ahad Ha’am published in 1891. A copy is available at <http://benyehuda.org/ginzberg/Gnz012.html> (last visited on November 17, 2014).

A second reason for the relatively marginal role of professional historians is related to the development of the field of Jewish studies into an academic discipline beginning in the 1960s. Until this happened, the authors of Zionist history were mainly Zionist leaders and activists, as well as non-affiliated independent scholars. According to historian Zeev Tsahor, such histories were, to a large extent, a political attempt to mobilize the Jewish masses for action, and to solidify the political status of rival camps in the *Yishuv* and early Israel. Other scholars, dismiss this opinion by showing that early Zionist historiography did, in fact, rise to the standards of academic writing.³³ In any event, the dominance of such studies and the delayed emergence of professional scholarship on Zionism affected the ability of professional historians to participate in forming Israeli collective memory.³⁴

While this study is embedded in an Israeli context it corresponds, then, with previous studies about Jewish historiography, especially in raising the question whether the shaping of Israeli historical memory calls for a re-conceptualization of our notion of historiography, and a new understanding of the category of historian. In other words, the study seeks to fill what I see as a critical historiographical gap. While there is a near consensus among scholars that professional historians have played a comparatively limited role in the shaping of Jewish collective memory, by and large, they have nevertheless focused their studies on those professional historians.

This study seeks to magnify the role of non-professional historians as effective agents of Israeli collective memory. The work suggests a new way of thinking about an official state

³³ See Zeev Tsahor, "Historiyah ben Politika la-Akademiyah," in Weitz, ed., *Ben Hazon le-Revizyah*, 209-219; Zeev Tsahor, "Toldot Medinat Yiśraēl: Akademiya ve-Politika," *Qatedrah* 100 (2001): 378-394, and compare to Anita Shapira, "Ha-Historiografyah shel ha-Tsiyonot u-Medinat Yisrael be-Shishim Shenot Medinah." *Zion* 79 (2009): 287-309; Yoav Gelber, *History, Memory and Propaganda* (Tel-Aviv 2008), and Yisrael Kolat, "Al ha-Mehkar ve-hahoker shel Toldot ha-Yishuv ve-Hatsiyonut", *Qatedrah be-Toldot Erets-Yiśraēl* 1 (1976): 3-35.

³⁴ One group of scholars who did leave an incredibly strong imprint on Israeli history memory is the "New Historians," who began to publish their manuscripts in the mid-1980s. I have in mind here their work on the 1948 war and the relations between Ashkenazi and Mizrahi Jews in Israel.

apparatus that functions *de facto* as a history-writing body of a certain kind—the nature of which will be examined in the following pages. Moreover, the study gives special attention to the reception of the work of commissions of inquiry in Israeli collective memory and historiography. Put another way, the study explores the social and political processes that either prevented or enabled commissions of inquiry to make their historical narratives into national metanarratives.³⁵

As mentioned above, the writing of contemporary history is integral to the work of commissions of inquiry. Nevertheless, one should stress that individuals appointed to serve as commissioners in Israel are normally not professionally trained historians, and that no Israeli commission of inquiry was ever required to write history as part of its mandate. Commissions of inquiry therefore constitute a new breed of Israeli historian. Besides engaging in the history of the present, they function both as official historians of the state —historians who are expected to author an official narrative about a given topic—and as public historians who conduct history beyond the academy for public consumption.³⁶ As one scholar of British commissions of inquiry has explained:

The reports of committees are public documents. They often contain a wealth of information in addition to discussion and specific recommendations for action. They are commented on by newspapers, by professional and technical journals, sometimes by

³⁵ About reception theory see Hans Robert Jauss, *Toward an Aesthetic of Reception*, Trans. by Timothy Bahti, Introduction by Paul de Man, (Minneapolis 1982). About Reception History (rezeptionsgeschichte) see the webpage by Harold Marcuse, "Reception History: Definition and Quotations" at:

<http://www.history.ucsb.edu/faculty/marcuse/receptionhist.htm> (last visited on January 14, 2015). For an important study that explores the reception of the novel *Hirbet Hizah* by S. Yizhar in Israeli culture see Anita Shapira, "Hirbet Hizah: Between Remembrance and Forgetting," *Jewish Social Studies* 7:1 (Fall 2000) New Series, 1-62.

³⁶ For definitions of public history see the website of the American National Council of Public History (NCPH) at <http://ncph.org/cms/what-is-public-history/> and compare to Robert Kelly, "Public History, Its Origins, Nature and Prospects" in Phyllis Leffler and Joseph Brent, eds., *Public History Readings* (Malabar FL 1992), 111; Graeme Davison, "Paradigms of Public History" John Rickard and Peter Spearritt, eds., *Packaging the Past? Public Histories* (Melbourne 1991), 4-15. About the fusion of official and public history in the work of New Zealand commissions of inquiry see, Giselle Byrnes, *The Waitangi Tribunal and New Zealand History* (New York and South Melbourne 2004); Roberto Rabel, "War History as Public History: Past and Future" Bronwyn Dalley and Jock Phillips, eds., *Going Public: The Changing Face of New Zealand History* (Auckland 2001), 65.

academic commentators. The question is, therefore, what the significance of such reports is, not simply in terms of the reactions of civil servants and ministers poring over them in their offices, but in this wider public context.³⁷

This raises the question of the efficacy of Israeli commissions of inquiry in forging collective memory, that is, in etching their narratives into Israeli historical memory. This question bears special significance in light of the major role commissions of inquiry have recently assumed in Israeli political culture.

There are two ways in which we might analyze the impact a commission of inquiry leaves on the national collective memory. First is a quantitative approach that focuses on empirical data concerning the level of public agreement with the commission's narrative, conclusions, and recommendations. The second way, as this study favors, is a qualitative approach that examines the ways in which commissions' reports reverberate in the public sphere, that is, in professional and popular historiography, in the daily press, and other "sites-of-memory," such as national monuments and museums.³⁸ In the chapters included in the body of the study we will see that the

³⁷ Rhodes, *Committees of Inquiry*, 149, and compare to Law Reform Commission of Canada, *Administrative Law – Commission of Inquiry*, Working Paper 17 (1977), 17. One should note here that Israeli state commissions of inquiry used to urge the public to provide the commission any information that may be relevant to its inquiry.

³⁸ The term "site-of-memory" is borrowed from the work of Pierre Nora, "Between Memory and History: Les Lieux de Mémoire," *Representations* 26 (1989): 7-24. The concept of "popular historiography" is employed in this dissertation to denote a type of historiography which is different from "professional historiography" or academic writing. Popular historians such as journalists and authors of historical novels, do not necessarily confine themselves to the rigorous rules and conventions of professional historiography. In this respect, the genres of professional and popular historiography are different from one another. Nevertheless, the two should not be regarded as antonyms, since they overlap and correspond with one another. Indeed, popularizers are largely dependent on academic output. Not being researchers *par excellence*, they most often rely on secondary sources, namely on the scholarly writing of academic historians. Synthetic by nature, the work of popularizers is not supposed to generate new knowledge, or alternatively, to illuminate the existing research. An exception to this rule is historical writing of popularizers who describe their personal contribution to the events and phenomena they write about. I have in mind here especially "history makers" such as national leaders and activists, whose memoirs and autobiographies most often fall under the category of popular historiography.

reports of commissions of inquiry are in dialogue with different factors such as literature, military orders, rumors, conspiracy theories, and professional and non-professional historiography.

In some cases, the commission is unable to convince the public that its reading of the events at hand are true and genuine, thus limiting its impact on national historical memory. A notable example of such a scenario from American history is the story of the Warren Commission, which investigated the assassination of President Kennedy in 1963.³⁹ As is well known, the Commission concluded that the president's assassin, Lee Harvey Oswald, acted alone. Over the years, scholars and laymen have either challenged this claim or totally dismissed it on several grounds. We need not concern ourselves here with the specifics, but what is important to note in this context, is that empirical evidence from the 1990s indicates that significant numbers of Americans reject the Commission's reading of the murder.⁴⁰ Doubts regarding the credibility of the Warren Commission report engendered a variety of conspiracy theories, which ascribe the murder to the Mafia, the CIA, the FBI, the Soviet Union, or Cuba.⁴¹ The lack of public trust in the Commission's report has also made it into the American mainstream. In 2013, for example, forty years after the murder, Secretary of State John Kerry publicly expressed his doubts about Oswald acting alone.⁴² Retrospectively, it seems quite clear that the Warren Commission failed in forging a consensual national metanarrative about the murder, and in restoring public trust in the executive branch. Moreover, the conspiracy theories about the murder—be they unrealistic or reasonable—cast the

³⁹ Report of the President's Commission on the Assassination of President John F. Kennedy (Washington DC 1964).

⁴⁰ Daniel P. Moynihan, *Secrecy: The American Experience* (New Haven 1998), 219-221.

⁴¹ See Simon, "Parrhesiastic Accountability," 1441-1444. Quite a few studies have challenged the final conclusions of the Warren Commission. See for example Philip Shenon, *A Cruel and Shocking Act: The Secret History of the Kennedy Assassination* (New York 2013) and Gerald McKnight, *Breach of Trust: How the Warren Commission Failed the Nation and Why* (Lawrence KS 2005).

⁴² John Cassidy, "A Word in Favor of J.F.K. Conspiracy Theories," *The New Yorker*, November 21, 2013 (available online at <http://www.newyorker.com/online/blogs/johncassidy/2013/11/a-word-in-favor-of-jfk-conspiracy-theories.html> (last visited on November 17, 2014).

Commission as part of a wider attempt of the American political establishment to conceal suspicious parts of the murder. This would seem to lead to the conclusion that the Warren Commission was a weak agent of historical memory. In practice, however, the Commission became the central point of reference in understanding the assassination. After all, each one of the conspiracy theories corresponded to some aspect of the Commission's work by either directly or indirectly challenging its findings. The Warren Report resonates within the American public sphere in a myriad of ways and sites-of-memory, including in books and movies that claim to shed new light on the assassination. This phenomenon emanates from the Commission's unique status as a presidential commission that wrote an official history designed for public consumption. The phenomenon is not unique to the Warren Commission, but is shared by many other commissions of inquiry, American and non-American alike, which have had the ability to shape public opinion in different ways.

One should take into account that ordinary citizens do not necessarily take the time and effort to rigorously read reports by commissions of inquiry. After all, such reports often span hundreds and even thousands of pages written in dry legal language. Nevertheless, commissions of inquiry do attract a great deal of public attention. The media cover their work widely, and publish excerpts of their reports in daily newspapers and other social media. Their histories are often highly contested and claim a public place that professional historical works rarely attain. Therefore, commissions of inquiry open a window onto the ways in which a national society such as Israel processes and negotiates its past.

One further factor that makes commissions of inquiry a compelling case study for understanding processes of memory formation is related to the fact that commissions are set up to inquire into "matters of vital public importance." In practice, such matters often fall under the

category of national or cultural traumas, which are characterized, among other things, by their enduring effect, and by the fact that they become “ingrained in collective memory” and identity.⁴³ For an event to attain the status of a national trauma, it need not necessarily be shared by a large number of individuals. As Ron Eyerman notes, “the trauma need not necessarily be felt by everyone in a community or experienced directly by any or all” in order for it to constitute a national trauma.⁴⁴ Whatever their historical origins, national traumas constitute fertile ground for analyzing the ongoing processes of mythologization and commemoration. These phenomena help society to process traumas. They open a window into the collective memory of that society; memory that functions “as a lens through which group members perceive the present and prepare for the future.”⁴⁵

This study uses commissions of inquiry as a means to an end, that is, as a lens that magnifies the ways Israeli society grappled with recent national traumas. These unique bodies, which perform (or are expected to perform) administrative, legal, political, and historiographical functions stand at the heart of a vibrant public and scholarly discourse about contemporary history. Accordingly, commissions of inquiry and the variety of ways in which their work reverberates in public discourse and in the historiography that comes in their wake, raise a number of questions that are central to this dissertation. Who, for example, is understood to have the right to make historical judgments on matters deemed to be of vital public importance? In what ways have commissions of inquiry contributed to the shaping and revision of Israeli history and memory?

⁴³ Ron Eyerman, *Cultural Trauma: Slavery and the Formation of African American Identity* (Cambridge 2001), 2. For further definitions of cultural and national traumas—as Eyerman noted the difference between them at the theoretical level is minimal—see Alexander, *Trauma*, 6-30; Arthur G. Neal, *National Trauma and Collective Memory: Major Events in the American Century* (Armonk, NY 1998); Austin Sarat, Nadav Davidovitch, and Michal Alberstin, eds., *Trauma and memory: Reading, Healing and Making Law* (Stanford 2007).

⁴⁴ Eyerman, *Cultural Trauma*, 2.

⁴⁵ Zerubavel, *Recovered Roots*, 9.

What light does this shed on social conceptions of the difference between historical truth, political truth, and legal truth? Finally, how do such distinctions impact the work and deliberations of commission members themselves?

Structure of the Dissertation

The ways in which Israeli society has tackled national mishaps and traumas, and the manner in which Israeli commissions of inquiry have participated in the process, is here approached through a series of case studies. This dissertation does not seek to exhaust the topic, but rather to focus on four different cases, which were selected on the basis of three main criteria. First, each one of them falls under the category of a national trauma. Second, each of them led to the setup of at least one state, military, or kibbutz commission of inquiry. The third criterion stems from the time that elapsed between the traumatic event itself and the writing of this study. The battles over the history and memory of these events took place over a period of no less than forty years. This period allows us to diachronically analyze the ways in which Israeli society has dealt with these traumas in a direct or indirect dialogue with the commissions' reports.

The four chapters of the dissertation are organized according to ascending chronological order. Each one of them depicts a different scenario regarding the ability of a commission of inquiry to affect the national historical memory. The first two chapters involve traumas of three local communities in southern and northern Israel. I refer here to three kibbutzim—Nitzanim, Masada, and Sha'ar ha-Golan—which, during the 1948 War, were occupied and demolished by Egyptian and Syrian forces. For various reasons, discussed at length in the body of the chapters, the military establishment harshly condemned the defenders of the kibbutzim—ordinary citizen with limited military training at best—and presented them as traitors who consciously and

deliberately surrendered to the enemy to save their own lives. In so doing, the defenders had ostensibly turned their backs on fundamental Zionist values, and jeopardized the entire Israeli defense line at a critical point in the war. The denunciation by the military establishment and some prominent writers during the war was expressed by textual and artistic means, such as a military order, publications in the press, and a play that was staged by the national theater. This resulted in a swift stigmatization of these kibbutzim all across the country. Their stories provide, then, a vivid illustration of Eyerman's assertion that an event experienced by a relatively small number of people has the ability to become a national trauma.

In their attempt to salvage their tarnished reputation, members of the kibbutzim demanded that the military establishment establish commissions of inquiry. The logic behind these demands was that an exoneration by a commission of inquiry could clear the names of the kibbutzim, and revise the national historical memory accordingly. Such commissions were indeed established in 1948 and 1949. Each one of them reached the conclusion that the kibbutzim had been wrongly maligned, and that their members had, in fact, behaved appropriately during the war. Nevertheless, this conclusion did not suffice to repair the reputation of the kibbutzim, and to revise the collective memory about them. This was at least their subjective feeling.

This study demonstrates that the inquiries were the opening salvo of the struggle over the reputation of the kibbutzim. While the inquiries gave the kibbutzim the preliminary official exoneration that was essential to their ability to revise their reputation in the national historical memory, the inquiries were not necessarily the most important factor in the process. An analysis of the decades-long battle that followed the inquiries shows that while Nitzanim members were able to turn their kibbutz into a symbol of heroism by using the military and kibbutz commission of inquiries to their advantage, the people of Masada and Sha'ar ha-Golan were unable to

mythologize themselves by the same means. Both separately and together, these chapters lead to the conclusion that the ability to utilize the potential of a commission of inquiry in its capacity as a potential agent of memory is largely dependent on the willingness and ability to build on its work in the years that follow. In the case of Nitzanim, this meant that the kibbutz used the preliminary exoneration of the inquiry to mythologize itself by political, textual, and communal means of commemoration.

The first chapter analyzes the sixty-year struggle of kibbutz Nitzanim over its name in the history and memory of the 1948 War. The chapter opens by relating the circumstances that led to the destruction of the kibbutz by Arab forces in 1948. It continues with the public condemnation that came in the wake of the battle, and its effects on the kibbutz in the decades that followed. The story of Nitzanim serves here as a micro-history that illustrates some fundamental social values of the budding Israeli society more broadly conceived. From this point on, the chapter analyzes the commemoration strategy that Nitzanim adopted and applied over the years. The chapter elaborates on the demand to set up a military inquiry, the inquiry report, and especially the myriad means the kibbutz used to salvage its name and revise its image in Israeli historical memory. As mentioned above, this struggle yielded many positive results for the kibbutz, and transformed Nitzanim into a symbol of heroism of the 1948 War.

The second chapter tells the story of kibbutz Masada and Sha'ar ha-Golan. Its structure is similar to the one of the first chapter. It opens with the historical circumstances that led to the destruction of the kibbutzim in 1948, and continues with their public condemnation, and their subsequent demands to set up military inquiries. Then, the chapter discusses the work of the military commission and further kibbutz inquiries, which backed Masada and Sha'ar ha-Golan, justifying the behavior of their defenders. What sets the story of Masada and Sha'ar ha-Golan apart

from that of Nitzanim in the context of history and memory are the activities of the kibbutzim in the period that followed the publication of the commissions' reports. While members of Nitzanim committed themselves to a systematic and strenuous fight for their reputation, members of Masada and Sha'ar ha-Golan adopted a much more passive course of action. They refrained from almost any kind of commemoration activity, and thus failed to realize the potential of the inquiries as agents of memory. Their late attempt to reclaim their honor toward the 2000s was too little, too late, and did not lead to any substantial change of their status in the history of the war. A comparison between the case of Masada and Sha'ar ha-Golan, on the one hand, and the story of Nitzanim, on the other hand, therefore illuminates two different ways to cope with a trauma and use the work of commissions of inquiry for the sake of memory formation.

The third chapter deals with Israeli memory of one of the biggest traumas in the history of the country—the Yom Kippur War. More than four decades after the war ended, the scholarly and public debates regarding the reasons and circumstances that led to the Yom Kippur surprise are as lively as ever. By and large, they include four key explanations, which present the war as either a political, military, social, or intelligence failure. The chapter analyzes the factors that enabled the Agranat Commission—the Israeli state commission of inquiry that was set up in November 1973—to establish what seems to be the most accepted explanation for the war. According to this explanation, the war was the result of a failed concept that prevented the Israeli intelligence corps from effectively warning about the military threat. The case of the Agranat Commission, therefore, reveals the clearest instance in which a commission of inquiry turned its historical narrative into a national metanarrative, and operated as an effective agent of memory. As in the case of the kibbutzim, this chapter also demonstrates that a preliminary image of a national trauma could be swiftly created in the immediate wake of the event. A revision of this image, on the other hand, is

a more prolonged and complicated process. Furthermore, the chapter suggests a new way of thinking about the Agranat Commission. In general, scholars set the Commission in a political context, focusing on the personal recommendations the Commission made or did not make regarding high-ranking state officials. The chapter sets the Commission in the context of history and memory, and presents a new way of understanding the social role commissions of inquiry play on a broader scale. As we shall see, this process is intertwined with the political and administrative functions the Agranat Commission performed, or sought to perform by making personal and operational recommendations.

The fourth and final chapter of the dissertation focuses on the fight over the history and memory of one of the most traumatic events in the history of the pre-state *Yishuv*. The murder of the Zionist leader Chaim Arlosoroff (1899-1933) was a watershed in the history of Zionism and in the relations between the two dominant camps in Jewish politics: the Labor party (Mapai), with which Arlosoroff was affiliated, and its Revisionist opposition, led by Vladimir (Ze'ev) Jabotinsky. For decades, the questions of who murdered Arlosoroff and why stood at the heart of a vibrant political controversy. It fired the imagination of national leaders, scholars, and the public. As the chapter determines, both Mapai and the Revisionists formed their explanations about the murder less than a week after the event. That being said, neither of them was able to support its claims by empirical and legally admissible evidence. According to the Labor Party, Arlosoroff's murderers were two Jewish Revisionists who abhorred his politics. According to the Revisionists version, Arlosoroff's murderers were two Arabs from Jaffa, whom the Mandate authorities arrested, interrogated, and released in 1933/4. The various murder trials held during the 1930s did not put an end to the affair, but rather exacerbated the tensions between Labor and the Revisionists. The five decades that elapsed between the trials and the establishment of a state commission of

inquiry to inquire into the murder witnessed ongoing attempts to bring resolution to the affair by political, legal, and historiographical means.

Chaired by Supreme Justice (Res.) David Bekhor, the Commission was part of a wider process to reshape the Israeli public sphere in the period that followed the political upheaval of 1977 (“*ha-mahapakh*”). This landmark event in Israeli politics brought to an end half a century of political hegemony by the Labor Party and Mapai, and enabled the Likud Party—the party that presented itself and was widely viewed as the political successor of the Revisionist movement—to lead the country for the first time.

The establishment of the Bekhor Commission, following the publication in 1982 of one in a series of popular histories about the murder, demonstrated the affinity between political controversies and historiographical polemics over national historical memory. The book by Shabtai Teveth, who was also David Ben-Gurion's biographer, took up the Labor party's view of the murder. In the eyes of Likud Prime Minister Menachem Begin this seemed like the renewal of what he termed a blood libel against his political camp. As a result, the government decided to establish the Bekhor Commission, which was expected to determine, once and for all, who murdered Arlosoroff.

The chapter presents the Commission as part of a wider governmental effort to make the historical heritage of the Revisionist movement integral to Israel's official memory. To that end, the chapter reconstructs fifty years of struggles over the memory of Arlosoroff's murder. It elaborates on the way the Bekhor Commission sought to meet the challenge with which it was faced, and follows the memory of the Arlosoroff murder into the 21st century. The chapter demonstrates, *inter alia*, that similar to the other stories discussed in the dissertation, the conflicting memories of the Arlosoroff murder were forged in the immediate wake of the event. In

addition, the chapter suggests that more than studying the murder itself, the Bekhor Commission studied the history of the historiography of the murder. Its inability to positively determine who murdered Arlosoroff—as opposed to its decisive conclusion that Revisionists activists were not responsible for it—did not prevent the Commission from performing a number of social, political, and legal functions, which no other state apparatus was able to perform. The Commission functioned as a kind of a modern agora that enabled those who were still interested in the Arlosoroff affair to try to clarify a complex historical controversy.⁴⁶

⁴⁶ As mentioned above, this study does not seek to cover the entire history of Israeli commissions of inquiry. To understand the way commissions of inquiry affected Israeli historical memory and historiography one could call upon further cases not emphasized in this study. I have in mind here three cases. First, the state commission of inquiry that was established in 1982 to inquire into the massacre in the Lebanese refugee camps of Sabra and Shatila. (For some details and references about the massacre and the commission that is normally referenced by its chairman, Justice Yitzhak Kahan, see the section about the establishment of the Bekhor Commission in the fourth chapter of this dissertation. As detailed there, the public demand to establish the Kahan Commission in 1982 postponed the beginning of the work of the Bekhor Commission). The second commission I have in mind is the Or Commission—the state commission of inquiry that was established to inquire into the clashes between Palestinian Israelis and Security forces in October 2000. This commission wrote extensively about the history of the relations between Jews and Arabs in Israel since the 1948 War. My choice not to focus on the Kahan and the Or commissions was due to limited accessibility to archival source material. In both cases documentation regarding the commissions is still classified and kept behind closed doors in the Israel State Archives and the Israeli Defense Forces and Defense Establishment Archives. In the case of the Kahan Commission Report some parts are still classified to this day. Furthermore, it seems that over the years, the attention Israeli scholars and lay people pay to the massacre in Sabra and Shatila in general, and the Kahan Commission in particular, has drastically decreased. This phenomenon of intentioned or unintentional forgetfulness led historian Tom Segev to wonder on the twenty-fifth anniversary of the massacre: Who remembers Sabra and Shatila?—a question that exceeds the scope of this study (See Tom Segev, "Mi Zokher et Sabra ve-Shatila, Haaretz, September 24, 2007). For more about the topic and the way the memory of the massacre crosses Israeli Holocaust consciousness see Alexander, *Trauma*, chapter 3. In the case of the Or Commission, one should add that the relatively little time that has elapsed since the Commission published its report does not allow me to analyze the commission's effect on Israeli historical memory in the way I engage the topic in other chapters of the dissertation. As mentioned above, one of the things common to all of the cases on which this study focuses, is that the battles over their history and memory took place over a period of no less than forty years. Last, but not least, a third case-study that warrants extra attention concerns commissions of inquiry that looked into the alleged kidnapping and disappearance of Israeli children in the late 1940s and early 1950s. Since most victims were of Yemenite descent, this unfortunate phenomenon is commonly known as the Yemenite Children Affair. For details about the topic see Amir, *The Politics of Victimhood*, 65-99, cf. Dov Levitan, " 'Aliyat Yehude Teman le-Yisrael – Hageshamat Halom o Shever Hevrat? Ha-Mikereh shel Yalde Teman ha-Ne'edarim," Eliezer Don Yehiya, ed. *Ben Masoret le-Hidush: Mehekarim be-Yahadut, Tsiyonut u-Medinat Yisrael* (Ramat Gan 2005), 377-403.

Global Trend – Israeli Phenomenon

The historical events discussed in this study are embedded in the Zionist and Israeli pasts. They open a window onto an important and central factor in Israeli political culture, that is, commissions of inquiry. For obvious reasons, such topics attract the attention of scholars with a particular interest in Israeli history, historiography, and culture. Nevertheless, the processes discussed in the dissertation could be of interest to scholars of other cultures and fields such as history and memory, history and law, and the affinity these disciplines maintain with politics and contemporary life.

One should bear in mind that commissions of inquiry have become a worldwide phenomenon in recent decades. A special breed of commissions that has attracted much public and scholarly attention are truth and reconciliation commissions, whose aim is to address and ultimately assuage social and political tensions embedded in their nations' pasts, both recent and distant. Such commissions are normally studied in the context of transitional justice.⁴⁷ In quite a few instances, they have been international tribunals, which enable their nation-states to solidify their status in the international community as liberal-democracies. This study, therefore, illuminates the similarities and differences between one of the most celebrated types of commissions of inquiry and Israeli inquiries.

A recently published study by Yifat Holzman-Gazit and Raanan Sulitzeanu-Kenan stresses the great significance that Israeli citizens attribute to the personal recommendations commissions of inquiry make.⁴⁸ Based on empirical evidence, the two scholars have found a positive correlation between the level of criticism contained in an Israeli inquiry report, on the one hand, and the level

⁴⁷ See, for example, Ruti G. Teitel, *Transitional Justice* (Oxford and New York 2000); The introduction by Mary S. Zurbuchen, ed., *Beginning to Remember: The Past in the Indonesian Present* (Seattle 2005); Hayner, *Unspeakable Truths*; Amir, *The Politics of Victimhood*.

⁴⁸ Yifat Holzman-Gazit and Raanan Sulitzeanu-Kenan, "Emet o Bikoret: Emun ha-tsibur be-Va'adot Hakirah ve-shinui 'Amadot be-yahas la-'eru'a ha-nehkar – Du'h va'adat Winograd ke-mikreh Bohan, *Mishpat 'u-Mimshal* 13 (2011): 225-270.

of public trust in the report, on the other hand. Put another way, the more critical an inquiry report is against office-holders, the more reliable it appears in the eyes of Israeli citizens who expect commissions of inquiry, first and foremost, to punish public figures, and only then to clarify facts regarding the matters at hand. Israeli commissions are therefore expected to function as the “watch dogs” of public ethics. The state of mind of truth and reconciliation commissions, on the other hand, is quite different, since one of their functions is to pardon anyone who is willing to cooperate with them in advance. Unlike truth and reconciliation commissions, then, Israeli commissions of inquiry are, by definition, an arena of political, legal, and historical struggles. The legal mandate they have to make personal recommendations strengthens the public impression that their conclusions are part of a “historical verdict” regarding a national trauma.

In spite of the contradicting socio-political poles that color Israeli commissions of inquiry and truth and reconciliation commissions, both types of commission play an important role in authoring histories of landmark events in their countries' pasts. In so doing, they constitute, at least in some cases, an important part in the creation of a new national historical memory.

In some cases from around the world, commissions of inquiry have been officially mandated to undertake historical research. One such commission is the truth commission of Sierra Leone, whose mandate explicitly required it “to prepare an historical record of the country from 1991 to 1999,” and “to create an impartial historical record of . . . violations and abuses of human rights and international humanitarian law.”⁴⁹ Other commissions have been defined as historical commissions, such as The Commission for Historical Clarification of Guatemala, 1997-1999, and the German Commission of Inquiry for the Assessment of History and Consequences of the SED

⁴⁹ Quoted in William A. Schabas, “A Synergistic Relationship: The Sierra Leone Truth and Reconciliation Commission and the Special Court For Sierra Leone,” *Criminal Law Forum* 15 (2004): 9 and 10.

Dictatorship in Germany, 1992-1994.⁵⁰ In some cases, such as the most celebrated truth and reconciliation commission—the Truth and Reconciliation Commission of South Africa, 1995-2002—the commission was fully aware of the fact that its mandate limited its ability to treat the entire historical phenomenon of apartheid. As a result its report constitutes but a small chapter in a much larger history. The authors note that their report "sets out the historical context of the mandate period 1960 to 1994 and the roots of the conflict that emerged during that period." They drew attention, however, to the fact that "the origins of the South African conflict began much earlier than 1960 and stresses that the Commission's brief was to report only a small part of the much larger story of human rights abuse in this country."⁵¹

In other cases, such as those of Canada, South Korea, and Mauritius, truth and reconciliation commissions have undertaken historical research regarding events and phenomena that took place decades and even centuries before their establishment. The Truth and Reconciliation Commission of Canada, for example, which was setup in 2009, focused on the abuse of the country's indigenous population. The commission paid special attention to "residential schools," which the government of Canada put in place in conjunction with Protestant and Catholic churches between 1874 and 1996. Such schools aimed to forcibly assimilate aboriginal children, and to prohibit the practices of aboriginal languages and cultures. A further example of a commission of this kind is the truth commission of Mauritius, which was also established in 2009 to document the colonial and post-colonial history of the country. This included slavery that began in 1638, indentured labor that developed after the abolition of slavery

⁵⁰ For succinct surveys about the Truth Commissions see Hayner, *Unspeakable Truths*, 32-35 and 52-53, respectively. The first edition of the book "categorized some bodies as "historical truth commissions." " (ibid, 298, fn. 14).

⁵¹ The final report of the 1995-2002 South African Truth and Reconciliation Commission is available online at <http://www.justice.gov.za/trc/report/execsum.htm> (last visited on November 17, 2014). See ibid, vol. 1, chap. 2, para. 1.

in 1835, and complaints regarding dispossession of land. Israeli commissions of inquiry hold a somewhat ironic place in this context. Although they engage, often intensively, in the writing of history, they do so despite the fact that this invariably is not part of their mandate.⁵²

To the best of my knowledge, in spite of the centrality of this social and historiographical role played by commissions of inquiry worldwide, the only other scholar who has consciously and deliberately focused on these aspects is Giessle Byrness in her studies of New Zealand's Waitangi Tribunal.⁵³ This standing commission of inquiry was established in 1975 to investigate Maori-Crown Relations, especially in the context of land requisitions. The Tribunal became an historical body, *par excellence*, in 1985 when the treaty of Waitangi Amendment Act “extended its jurisdiction to investigate historical claims concerning the actions of the Crown since 1840 to the present.”⁵⁴ Accordingly, historians have taken an important role in the work of the treaty, helping the claimant groups, their advocates, and the Crown to prepare evidence for discussion and publication. In a personal email correspondence I held with Byrnes she stressed the historical nature of the Tribunal:

In recent years—certainly since the late 1990s—the Tribunal, under the leadership of influential leaders such as former Waitangi Tribunal chairperson, Chief Judge Eddie Durie, sought to expand the remit of these reports, such that they provided the reading public with a broader contextual understanding of the issues more generally. The Tribunal thus took

⁵² For alternative readings see Shenhav and Nadav Gabay, "Managing Political Conflicts." Cf. Daphne Barak-Erez, "Collective Memory and Judicial Legitimacy: The Historical Narrative of the Israeli Supreme Court," *Canadian Journal of Law and Society* 16:1 (2001): 95-96; The lecture by Ruth Gavison, "Contemplations on State Commissions of Inquiry and the Status of Israel's Arab Minority" (Tel-Aviv 2010), especially pages 8-12. Available online at: <http://www.metzilah.org.il/webfiles/fck/file/lecture2009.pdf> (last visited on January 20, 2015).

⁵³ Byrness has written extensively about the Waitangi Tribunal. Her most comprehensive study on the topic is *The Waitangi Tribunal*. It should be noted that some other studies have included limited references to this aspect of commissions' work.

⁵⁴ *Ibid*, 33.

on, in my view, a slightly broader remit in terms of its legislated mandate; that is, to provide meta narratives of Maori-Pakeha interaction, drawing on a range of recent academic scholarship, in addition to the evidence presented before it. I have therefore maintained that the Tribunal has taken an active role in writing (or rewriting) this history. This is not a view held unanimously by the Tribunal members themselves—the composition of the Tribunal changes over time and now employs professional 'report writers' to draft sections of the final published report to government as the hearings proceed.⁵⁵

Commissions of inquiry do not operate in a vacuum. In their capacity as exceptional state bodies they perform a variety of social, political, legal, and administrative functions. In the process, whether wittingly or unwittingly, they bring history to the forefront of the public arena. The following chapters seek to shed light on the ways in which they have functioned as public historians in the Israeli context, and on the effects they have had on Israeli historical memory.

⁵⁵ Unpublished personal communication with Giselle Byrness, August 17, 2014.

THE BATTLE AFTER THE BATTLE: NITZANIM FIGHTING AND REMEMBERING THE 1948 WAR

Introduction

The journalists who gathered outside the dining room of kibbutz Nitzanim in the evening of December 28, 1983, were not allowed to attend the event that took place inside. Instead, they had to wait until the gathering had ended, in an attempt to get inside information from participants who left the place around midnight. On the following day, they reported on the gathering extensively in quite a few daily newspapers and radio stations. Interestingly, the topic had nothing to do with contemporary Israeli affairs, let alone with the military engagement in southern Lebanon (Operation Peace for Galilee), which attracted much public attention. Instead, the meeting in Nitzanim was about another war, which took place in the kibbutz decades earlier. The trauma of the 1948 War had haunted Nitzanim for thirty five years, and the grievance associated with it simply did not let go.

It is no overstatement to claim that kibbutz Nitzanim, situated about twenty five miles south of Tel-Aviv, paid an enormous price for its part in the 1948 War. On Monday, June 7, 1948—about three weeks after the inception of the State of Israel—Egyptian forces captured the kibbutz and completely demolished it. The number of Israelis who were present in Nitzanim on that Monday did not exceed 141 men and women. 44 of them were technically soldiers, but they were untrained privates who had arrived in Nitzanim just four days earlier. They joined 30 additional soldiers of battalion 53 of the Givati brigade and 67 kibbutz members who insisted on remaining in their homes, despite the ongoing Egyptian assaults that had begun weeks before. This small and ill-equipped force was facing two Egyptian infantry battalions, which were assisted by fighter

airplanes, artillery, and tanks.⁵⁶ It is, therefore, not surprising that by the end of an intensive, fifteen-hour long battle, approximately 33 Israelis were killed and 13 were injured. An additional 105 civilians—some of them were injured—were taken to Egypt as prisoners of war.⁵⁷ They returned to Israel only nine months later, as part of the 1949 armistice agreement between the countries.

Upon their return, the former POWs were astonished to learn that two days after they were taken prisoner, the Givati brigade had harshly condemned them. The reasons for that condemnation will be explained in detail later. Now it is enough to mention that in the immediate wake of the battle Givati presented the defenders of Nitzanim as cowards and traitors who consciously and deliberately chose to neglect their homes and risk the entire Israeli war effort to save their own lives. According to this line of thought, the defenders of Nitzanim failed not just in a specific military task, but turned their backs on values fundamental to the Zionist movement, the kibbutz movement, and the newly established Israeli state. The kibbutz members, on the other hand, insisted that their defeat was the result of impossible military conditions at the end of a prolonged

⁵⁶ A detailed description of the battle of Nitzanim and the weapons that were available to the Israeli and Egyptian forces is available in a number of sources. See, for example, Avraham Ayalon, *The Givati Brigade Facing the Egyptian Intruder* (Tel-Aviv 1963), 151-167; Tzvika Dror, *Nitzanim: A Settlement Built Twice* (Tel-Aviv 1990), 13-95; Yitzhak Pundak, *Hamesh Mesimot* (Tel-Aviv 2000), 129-161; Arie Hashavia, *Hither To: The Story of the 53th Battalion Givati Brigade 1948* (Israel 2005), 167-181; Benny Morris, *1948: A History of the First Arab-Israeli War* (Tel-Aviv 2010), 269-270, and Uri Milstein, *Left to Die* (Israel 2013), 171-188.

⁵⁷ Some details regarding the number of combatants who were present in Nitzanim on June 7, 1948 were clarified only years later. This may explain the inconsistency in the historiography regarding the topic. It seems that out of 141 Israelis who were present in Nitzanim on June 7, 105 were taken to Egypt as prisoners of war, 33 died in the battle, 13 were injured and 3 were able to escape. That having been said, some sources mention other figures, according to which the number of Israeli combatants in Nitzanim numbered 140 rather than 141; the number of POWs was either 104 or 106; the number of dead varies between 30 and 38; the number of injured varies between 13 and 18, and the number of fighters who were able to escape the battlefield is either two or four people. In fact, the identity of one dead soldier who lost his life in the battle remained unknown for 65 years. His family was only able to confirm his death in 1993 (Dan Chamizer, *Panta Rhei*, [Tel-Aviv 1998], 7 and 62). Regarding the contradicting figures mentioned above see the website of kibbutz Nitzanim at: <http://www.knitzanim.com/s10.html> (last visited on May 22, 2014) and compare to the Israeli Defense Forces and Defense Establishment Archives (hereafter: IDFA) 182-129/1951, 30; Ben Zion Micha'eli, *Abandoned Settlements* (Tel-Aviv 1980), 381; Ayalon, *The Givati Brigade Facing the Egyptian Intruder*, 161; Morris, *1948*, 269; Dror, *Nitzanim: A Settlement Built Twice*, 11; Pundak, *Hamesh Mesimot*, 129; Hashavia, *Hither To*, 174-175; Milstein, *Left to Die*, and more.

and intensive fight. Their failure, they argued, was not a moral failure but a military defeat at the hands of a better-equipped enemy.

This controversy regarding the part of Nitzanim in the 1948 War led to a decades-long struggle over the place of the kibbutz in Israeli historical memory. This struggle is the focus of this chapter, which starts with the slandering of the kibbutz in 1948. The chapter continues with the demand of the kibbutz and its political patrons to setup a military inquiry to investigate into the circumstances that led to its surrender (hereafter: the Burstein Committee⁵⁸); a Committee that in April 1949 reached the conclusion that the defenders of the kibbutz behaved properly, and that the accusations raised against them were anything but true. With that, the honor of kibbutz Nitzanim was seemingly reasserted, and the affair should have been laid to rest. However, members of the kibbutz have insisted that the stigma attached to their defeat continued to follow their community in the ensuing decades. That was also the opinion of scholars and public figures studied the story of Nitzanim and reclaimed its honor. On this background, members of Nitzanim have continued to mythologize its part in the 1948 War in a process that continued until the end of the century. By so doing, Nitzanim attained further public acknowledgment, which solidified its heroic status in the historical narrative of the 1948 War.

This chapter does not seek to cast doubt regarding the feelings of people who have been living with the trauma of the 1948 War for years. It does, rather, reconstruct the process that led to the transformation of Nitzanim into one of the symbols of the 1948 War. It therefore seeks to challenge the often repeated opinion that the Burstein Committee was ineffective in its capacity as an agent of historical memory, and that Nitzanim's reputation was not recovered. Stated otherwise,

⁵⁸ IDFA, 182-129/1951, *Du'kh mi-Hakirat Parashat Nitzanim*, April 15, 1948 (hereafter: the Burstein Report). About the setup of the Burstein Committee see IDFA 1022-922/1975.

the chapter presents the Committee as the salvo of an ongoing struggle on history and memory, which has been characterized by an extremely proactive approach by representatives of Nitzanim. The chapter also suggests that the Nitzanim story is a kind of microhistory whose significance extends beyond the particular story of one kibbutz that was destroyed during the 1948 War. More specifically, the struggle of the kibbutz over its place in Israeli historical memory opens a vista into the mentality of the budding Israeli society, and sheds light on a formative phase in Israeli history. It points on the importance of contemporary history for a newly established national society, and on the way in which one commission of inquiry was expected to take part in the process. To make these points clearer, the current chapter is constructed as follows: the first section considers the public condemnation of Nitzanim in the immediate aftermath of its destruction. The second section seeks to shed light on the social environment out of which this condemnation grew, as well as the strong sense of shame that accompanied that censure. An analysis of that environment points to a fusion of military and social factors that created the false impression that the defenders of Nitzanim did not follow explicit orders or pay sufficient heed to Zionist values and ethos. The third section reveals the early attempts on the part of Nitzanim's members to prove that their failure on the battlefield was not a failure of values but rather a military defeat dependent on conditions over which the kibbutz had no control. These attempts quickly led to the establishment of the Burstein Committee in March 1949. The chapter presents the Burstein Committee as part of a public and institutionalized effort to forge an accepted narrative of the battle in Nitzanim. It also argues that the committee was in fact part of a wider Israeli effort to establish social conventions regarding the evacuation of non-combatants, which was a matter of vital public importance during the 1948 War. The fourth and final section of the chapter concerns

the aftermath of the Burstein Committee, that is, the later phases of Nitzanim's struggle over its reputation, which continued into the late twentieth century.

Stigma

The initiative to condemn Nitzanim was spearheaded by Shimon Avidan, the commander of the Givati Brigade, which during the 1948 War was responsible for defending the Nitzanim area.⁵⁹ This happened on July 8, 1949, namely one day after the kibbutz was totally ruined by Egyptian forces. On the following day, the execution of Avidan's plan was carried out by the famed ex-partisan and poet Abba Kovner, whom Avidan personally enlisted to Givati to serve as the brigade's cultural and information officer four days after the inception of the State. The means Kovner used to condemn Nitzanim was what he called a "combat leaflet," that is, a one-page pamphlet that he circulated among Givati troops. This was only one of a myriad of methods that Kovner used to inspire the soldiers and mobilize them for battle—a task at which he had proved himself adept as far back as during World War II, when he famously authored the manifesto urging the Jews in the Vilna ghetto to take their fate into their own hands; "not to go like sheep to the slaughter," and to rise up against the Nazi occupier in late 1941. On the basis of these experiences Kovner had come to represent a symbol of Jewish heroism. Among his qualities were those that made him, at least on paper, an outstanding cultural officer.⁶⁰

⁵⁹ About Shimon Avidan who was one of the prominent brigadiers during the 1948 War, see Shaul Dagan and Eliyahu Yakir, *Shimon Aidan – Givati: The Man who Became a Brigade* (Givat Havivah 1995) and Uri Avnery, *Optimistic* (Tel-Aviv 2014).

⁶⁰ Regarding the proclamation Abba Kovner published in the Vilnius ghetto see Dina Porat, *Beyond the Reaches of Our Soul (Hamlet, I, IV, 55-56) The Life and Times of Abba Kovner*, (Tel-Aviv 2000), especially pages 91-101. One should note here that both Kovner and Shimon Avidan were kibbutz members with a background in the socialist movement of Ha-Shomer Ha-Tsa'ir. The importance of this point will be clarified later.

The combat leaflet Kovner published on June 9, 1948 about Nitzanim (See Appendix A) was the first of 31 such leaflets that he published throughout the war.⁶¹ About 7,000 copies of each were circulated among Givati personnel. In practice, they also attracted the attention of civilians in and beyond the Nitzanim area. The leaflets, which in some cases were translated into Yiddish, used provocative language that usually began with the words “Death to the Intruders!” (*mavet la-polshim*).⁶² The effect the leaflets had had on the soldiers was mesmerizing, or as Avidan’s deputy, Meir Davidson, put it, “the words of Abba Kovner were the element that connected the trenches, the departments, the companies, the battalion, the division, the front, and the people in the South [i.e., where Nitzanim was located] to one another . . . It was the only available written word that announced—there is a fighting collective.”⁶³ The fact that the leaflet about Nitzanim was followed by thirty similar leaflets indicates how effective this mode of communication was in reaching out to the soldiers.

The combat leaflet of June 9 opened with the word “failure,” and presented the case of Nitzanim as a dangerous precedent, which was the fault of the locals as opposed to Givati personnel. It does so despite the fact that Nitzanim was neither the first settlement that was taken over by enemy forces, nor the first one to be condemned for the apparent moral failure on the part of the local defenders, who were portrayed as incapable of living up to the standards expected of Hebrew fighters.⁶⁴ Retrospectively, the analogy the combat leaflet draws between “prison” on the

⁶¹ The combat leaflet was reprinted in quite a few sources. See, for example, Dagan and Yakir, *Shimon Avidan*, 145-146.

⁶² About the nature and origins of the Combat Leaflets Kovner published during the 1948 War see Porat, *Beyond the Reaches of Our Soul*, 254-271; Dagan and Yakir, *Shimon Avidan*, 134, 244-245, 250; Avnery, *Optimistic*, 267-269, 324 and Mordechai Bar-On, *Givati Kemo Kulam: Korot Gedud 55 be-Milhemet ha-'Atsma'ut* (Jerusalem 2009), 117.

⁶³ *Ibid*, 117 and compare to Dagan and Yakir, *Shimon Avidan*, 250.

⁶⁴ During the 1948 War seventy three Israeli settlements were evacuated either temporarily or permanently. See David Tal, “The Evacuation of Non-Belligerents from the Border Areas in the Israeli War of Independence,” *Israel* 4 (2003): 61, and Assnat Shiran, *Stronghold Settlements* (Savyon 1998), 2 of the introduction. Further details about Israeli settlements that were either destroyed or deserted during the 1948 War are available in Michaeli, *Abandoned Settlements*, and in the IDF History Department, *Toldot Milhemet ha-Komemiyut: Sipur ha-Ma'arakhah* (Israel 1959),

one hand, and “death” on the other, was also inaccurate. After all, each one of the 105 inhabitants of Nitzanim who were taken prisoner to Egypt did not die but rather returned to Israel safe and sound, at least physically. Moreover, the leaflet blurs the boundary between “civil” and “military” affairs by addressing soldiers and civilians in the same manner.

Kovner, one should add, did not sign the combat leaflet in his own name, but rather with the words “Givati – The Brigade Commander.” This created the impression that the leaflet came through the chain of command, and thus carried the full weight of the brigade’s leadership. On June 10, 1948, the day after the leaflet’s publication, Brigadier Avidan explained his reason for having it written. In a letter he sent to General Yigal Yadin, who served at the time as acting IDF Chief of Staff, Avidan argued that he ordered Kovner to write the leaflet after he got the impression that “most members of Nitzanim hid in bunkers instead of taking their battle positions . . . According to eye witnesses,” Avidan added, he “was able to get a final and total picture of Nitzanim’s surrender,” which according to his reading was not just a “shameful act,” but an “act of treason” for all intents and purposes.⁶⁵

This determined tone contrasts with the way Kovner opened the combat leaflet, which actually starts by admitting that not all details about the battle are known at this point. According to the combat leaflet, it is impossible to draw conclusions about the battle, let alone to pass a final judgment regarding the behavior of the locals. Kovner emphasized that the leaflet’s goal was not to accuse anyone, but rather to say what needs to be said in face of potential hazards that may take place during the war. Later in the chapter we will see that besides operational concerns and the

230. According to historian Arnon Golan, the number of what he describes as “Jewish refugees” who had to leave their homes either temporarily or for good following the 1948 War amounted to seventy-two thousand people. See Arnon Golan, “Jewish Refugees in Eretz Israel During the War of Independence”, *Yahadut Zemanenu* 8 (1993): 217-241.

⁶⁵ IDFA 1022-922/1975, Shimon Avidan to Yigael Yadin, June 10, 1948.

need to reach out to soldiers, the writing of the leaflet also emanated from written orders imbued with Zionist values, which were seemingly violated during the battle in Nitzanim.

In spite of Kovner's careful reservation, his pamphlet was widely taken as a final and indisputable judgment, which was used to slander Nitzanim. An early expression of the leaflet's politicization appeared as early as July 1948, when Moshe Kolodni (Kol), a key figure in the political movement of Ha-No'ar Ha-Tsiyoni (The Zionist Youth) with which Nitzanim was affiliated, complained to Prime Minister and Minister of Defense David Ben Gurion, about certain "political activists" who use the form of the combat leaflet to defame Nitzanim. Also, Kol insisted these political activists, whose name he did not mention, denigrate Ha-No'ar Ha-Tsiyoni, which seemingly did not subordinate itself to other arms of the kibbutz movement.⁶⁶ The affiliation of these activists with the socialist movements of Mapam, Ha-Shomer Ha-Tsa'ir and Ha-Kibbutz Ha-Artzi (the National Kibbutz movement) is evident from an entry Ben Gurion wrote in his diary on the following day.⁶⁷ The feeling of an ongoing condemnation continued to hover above Nitzanim from 1948 onward. Its members, both old and young, felt that they lived in the shadow of the combat leaflet.

The sting of public condemnation profoundly affected the communal life of Nitzanim. The atmosphere in the kibbutz was so grave that in 1982, almost thirty five years after the war had

⁶⁶ Yad Tabenkin Archives—The Research and Documentation Center of the Kibbutz Movement (hereafter: YTA), 12-13/11c18, Moshe Kolodni (Kol) to David Ben-Gurion, July 5, 1948. When Kol sent this letter to Ben-Gurion, the prisoners of Nitzanim were still in Egypt.

⁶⁷ David Ben-Gurion, *From the Dictionary: The 1948 War* (Tel-Aviv 1986), 580. *Mapam* (Hebrew acronym for the United Workers Party) was founded in early 1948 as a union between the political movements of *Ahdut ha-'Avodah Po'alei Zion* and Ha-Shomer Ha-Tsa'ir. The latter, which started its way in 1916 as a Zionist youth movement, later became also a settlement movement, called ha-kibbutz ha-artzi (the national kibbutz). Quite a few kibbutzim, including Sha'ar ha-Golan, were affiliated with this umbrella organization, which had had a strong Soviet orientation. A short and lucid introduction to the history and structure of Ha-Shomer Ha-Tsa'ir is available in Aviva Halamish, *Meir Yaari: A Collective Biography. The First Years Fifty Years: 1897-1947* (Tel-Aviv 2009), 19-29. Further details about the movement are available in Levi Dror and Yisrael Rosenzweig (eds.), *Sefer Shomer Ha-Tsa'ir* (Merhavivah 1956-1964).

ended, the kibbutz put in a request with the regional psychosocial service to begin a course of group therapy. Early in the therapeutic process, during which two mixed groups of first and second generation kibbutz members talked over their life experience in Nitzanim, the therapists concluded that “the key for understanding this special community lies in past events, which have affected the development [of the kibbutz] and [its] self-perception to this day. The main purpose of the process was to open “a secret” regarding the day of the battle [June 7, 1948], the fall of Nitzanim and the combat leaflet that placed guilt and public shame on the members.”⁶⁸ The trauma of the war, combined with the fact that some members of Nitzanim brought their memories as Holocaust survivors, made past into a heavy burden that set the tone of the local communal life.⁶⁹

Members of Nitzanim prioritized memorializing their comrades who died during the 1948 War and mythologizing the history of the kibbutz, which, according to their understanding, was miscast by the accusations contained in the combat leaflet. The therapists concluded that the ongoing battle over the historical reputation of Nitzanim was so intense that it caused the locals to “lose the right perspective. Stressing the past and idealizing it, sometimes made [them] undercut current achievements, diminished the[ir] ability to consider matters in a balanced way.” This resulted in additional problems, including “social confinement in little groups, and noninvolvement in social affairs.”⁷⁰ This assessment remained valid, at least to some degree, even after the course of group therapy ended in the late-1980s.

Around the same time, Nitzanim asked the independent scholar Tzvika Dror to write a book about the kibbutz. Published in 1990, the book “deals with the same traumatic events that began with the battle over Nitzanim, continued with the publication of the manifest [i.e., the

⁶⁸ Daphna Snir and Motti Segev, *Nitzanim – Sikum Hit’arvut Kehilatit 1983-1986* (Ramat Efal 1988), 50.

⁶⁹ Shlomo Kron, *The Presence of the Holocaust in Symbols and Myths of Israel’s War of Independence* (PhD Dissertation, Tel-Aviv University, 2010), 197-205.

⁷⁰ Snir and Segev, *Nitzanim – Sikum Hit’arvut Kehilatit 1983-1986*, 42 and 15 respectively.

combat leaflet] and was followed by the commission of inquiry that gave the fighters of Nitzanim a full rehabilitation, but for some reason its conclusions did not become part of the national consciousness.”⁷¹ A later expression of this opinion, according to which the Burstein Committee was ineffective in clearing the name of Nitzanim, is available in a book published in 2000 by Brigadier-General (Res.) Yitzhak Pundak, who during 1948, commanded Battalion 53 of the Givati Brigade. As mentioned above, on the day of the battle in Nitzanim 74 men of this battalion were stationed in the kibbutz. In his book, Pundak argues that “Nitzanim still licks its wounds. . . [It does so] in spite of the conclusions reached by the committee that Ben-Gurion assigned to investigate the battle [i.e., the Burstein Committee], an inquiry that unequivocally concluded that on June 7, 1948 Nitzanim fought like any other [Jewish] settlement.”⁷² A few more years passed before the popular Israeli author, Ram Oren, made the same point in a historical novel. According to Oren, “in spite of the unequivocal conclusion of the commission of inquiry [according to which the men of Nitzanim behaved properly], many people continued to refer to them abomination.”⁷³ The book ends with the gloomy assertion that Nitzanim continues to live “in deep and unbearable sadness,” which “hovers above it and cannot be removed.”⁷⁴

This cluster of assertions is just a partial list that all make the same point: a leitmotiv in many accounts about Nitzanim presents the combat leaflet as the factor that set the tone of the

⁷¹ Dror, *Nitzanim: A Settlement Built Twice*, 7. According to Dror, the book reflects its own reading of the events and not opinions that Nitzanim requested him to amplify.

⁷² Pundak, *Hamesh Mesimot*, 157, 195-196 and compare to Yitzhak Pundak et al., *Givati Brigade – Battalion 53* (Tel-Aviv 2006), 53, 183, 364-366; *ibid*, *Be-Aharit ha-Yamim: Meha-Yamim ha-hem la-Zeman ha-Ze (Mi-1933 le-2010)* (Private Publication 2012), 123, 165-166. Interestingly, in 2013, when Pundak celebrated his 100th birthday, he was promoted to the rank of General (see *Haaretz*, August 17, 2013).

⁷³ Ram Oren, *The Target: Tel-Aviv* (Tel-Aviv 2004), 319 and compare to Nisan Reznik, *Budding from the Ashes: The Story of a Ha-Noar Ha-Zioni Youth in the Vilna Ghetto* (Jerusalem 2003), 200.

⁷⁴ Oren, *The Target: Tel-Aviv*, 332.

image of the kibbutz for decades after the war's end.⁷⁵ Later in this chapter, we shall examine why one leaflet was more effective in shaping Israeli memory than the work of the inquiry commission, and what we can learn from that about the potential embedded in commissions of inquiry as agents of collective memory. First, however, we shall delve further in the following two questions: 1) why was the kibbutz condemned so harshly in the first place, and 2) Why did the condemnation mean so much to the kibbutz and the Israeli public?

Condemnation

As Abba Kovner emphasized in the combat leaflet, the condemnation of Nitzanim went beyond military affairs. In addition to motivating soldiers for battle it also expressed the Zionist credo regarding the image of what Kovner called the "Hebrew watchman." As a result, the combat leaflet inexplicitly reinforced Zionist beliefs and myths, such as the ethos of the farmer-fighter, which had dominated in the years before statehood was achieved.⁷⁶ Furthermore, the condemnation of Nitzanim emanates from the gap between a Zionist worldview that cast ordinary citizens in a position of combat soldiers, on the one hand, and the actual ability of non-combatants to fulfill those expectations during the 1948 War, on the other. As we shall see later, the Burstein Committee itself acknowledged that these standards were not necessarily realistic.

One indication that the condemnation of Nitzanim was not just about military failure but rather encompassed broader moral issues lies in the fact that none of the other fourteen Israeli settlements that fell into Arab hands between May 13 and July 8, 1948 was publically condemned.

⁷⁵ Dror, *Nitzanim: A Settlement Built Twice*, 7, 166-167, 182, 190 and more; Tom Segev, "Ha-Kibbutz she-Met Pa'amayim," *Haaretz*, May 18, 1990, B7; Avihai Becker, "Bati le-Vekash Slihah," *Haaretz*, April 23, 2004; Ofer Aderet, "Tagidi le-Dani she-haitah lo Imah," *Haaretz*, October 7, 2011 and more.

⁷⁶ I elaborate on the farmer-fighter ethos below. For preliminary background about it see Baruch Kimmerling, "State Building, State Autonomy and the Identity of Society: The Case of the Israeli State," *Journal of Historical Sociology* 6:4 (December 1993), 396-409.

Furthermore, even those who were taken to task did not meet such harsh censure. Some of these settlements—for example, kibbutz Yad Mordechai, which was destroyed by the Egyptian Army, and kibbutz Gush Etzion, which was destroyed by the Jordanian legion and local Palestinian militias—were in fact presented as symbols of Israeli heroism while the war was still progressing.⁷⁷ Some sixty additional Jewish settlements that were partly or fully destroyed in the later phases of the war were also not rebuked. One major factor that distinguished their cases from the story of Nitzanim was the fear that the seemingly willing surrender of Nitzanim (as opposed to the stubborn fighting of the other settlements) would be publically looked at as a dangerous precedent, which demoralize soldiers and civilians.

As historian Yoav Gelber notes, the first ten days of June 1948 were characterized by the increasing exhaustion of Israeli troops on all fronts. This phenomenon, together with the lack of sufficiently trained reservists, was in fact one of the central concerns of the Israeli political and military leadership.⁷⁸ Fatigue—both mental and physical—also affected the performance of Givati Brigade, which was experiencing a difficult period, and was unable to meet a number of military challenges before and after the battle at Nitzanim. On June 4, for example, Givati failed to occupy the Palestinian town of Isdod. The brigade was also unable to lend full support for Nitzanim. As mentioned in the introduction of this chapter, most Givati men who were present in Nitzanim on the day of the battle were untrained privates who had never completed their basic military training. Their defeat in battle should not had come as a surprise in light of the scope of the standing army that was storming them.⁷⁹ Moreover, on the following day, Egyptian forces were also able to take

⁷⁷ About the construction of the collective memory of kibbutz Kfar-etzion see the piece by Amia Lieblich, “The Second Generation of Kfar-etzion: A Study of Collective Memory,” in Doron Mendels (ed.), *On Memory: An Interdisciplinary Approach* (Bern 2007), 213-230.

⁷⁸ Yoav Gelber, *Independence Versus Nakba* (Or Yehudah 2004), 219.

⁷⁹ See note 56 above.

over the nearby Hill 69, which was an important strategic point. It should be noted that the hill was occupied after the Israeli soldiers posted there fled with their commanding officer. When Shimon Avidan heard that news, he ordered that any other soldier who dared to desert his post be shot.⁸⁰ In this respect, the first ceasefire of the war, which came into effect on June 11, was indispensable to the troops in the area, who were simply exhausted. This is the immediate backdrop upon which the condemnation against Nitzanim was based.

The military aspect of the war, however, does not tell the whole story, especially since the boundary between citizens and soldiers, and between the front and the rear were not necessarily clear at the time. One of the premises that guided Israeli society and leadership in the early days of the nation was epitomized in the saying “the entire country is on the front line” (*kol ha-aretz hazit*). Since both border-settlements and urban centers were under massive enemy attacks, both soldiers and citizens—including untrained ones—were expected to defend their homes and actively participate in the war effort. In some cases, such as Masada and Sha’ar ha-Golan, on which we shall elaborate in the following chapter, even the regional commanders, that is, ordinary kibbutz members who were appointed to the job during peacetime, lacked basic military training.⁸¹ The notion that such people could and should take part in defending the kibbutz emanated from the “farmer-fighter ethos,” which characterized the *Yishuv* (the pre-state Jewish community in Palestine), especially since the mid-1930s.

This ethos stated that the notion of practical Zionism fuses “pioneering,” agricultural labor way of life, and military steadfastness when such is needed. Put another way, the high level of expectations set to kibbutz members during the 1948 War was rooted in a combination of actual

⁸⁰ IDFA 182-129/1951, 56 and compare to Dagan and Yakir, *Shimon Avidan*, 147. Avidan’s order was never executed.

⁸¹ Agin, *Netishah*, 226.

military needs and a Zionist values system that was gradually forged in the decades leading up to the statehood years. Embodied in the image of the Sabra, this “New Jew” fused a variety of features that were not necessarily easy to realize. As sociologist Baruch Kimmerling notes, the Sabra “was supposed to be healthy, muscular, a warrior, [and also] industrious, hard-working, rational, modern, Western or “Westernized,” secular . . . accentless Hebrew speaker, educated (but not intellectual), and obedient to authorities (that is, to the state and its representatives).”⁸² The Hebrew pioneer was to be an antithesis of the exilic (primarily European) Jew, whose image in the Zionist worldview was one of weakness, of a defenseless person exposed to ongoing anti-Semitic expulsions and assaults.⁸³ In the early twentieth century, the ultimate embodiment of the New Jew in Palestine was the farmer. As time went by, however, the social status of the Zionist fighter increased dramatically.⁸⁴

The gradual idealization of the Jewish fighter went hand in hand with what historian Anita Shapira called the transformation of the Yishuv from a defensive to an offensive ethos.⁸⁵ The meaning of this process was that a semi-passive self-defense orientation that characterized the Yishuv in the first decades of the twentieth century, and that was most often applied in response to attacks against Jews, began to shift to that of a proactive Zionist doctrine during the Arab Revolt of 1936-1939. In practice, this notion meant that Jewish fighters should initiate action with the

⁸² Baruch Kimmerling, *The Invention and Decline of Israeliness: State, Society and the Military* (Berkeley, Los Angeles and London 2001), 101. Further historical and sociological definitions of different models of the “New Jew” are available in Anita Shapira, *New Jews Old Jews* (Tel-Aviv 1998), 122-155; Anita Shapira, *Land and Power: The Zionist Resort to Force, 1881-1948* (Stanford 1992), 364, and Oz Almog, *The Sabra: The Creation of the New Jew* (Berkeley 2000).

⁸³ Regarding the common notion that views Jewish life in the diaspora as an ongoing sequence of anti-Semitic persecutions, see Salo Baron, “Ghetto and Emancipation,” *Menorah* XIV:VI (1928): 515-526. Also relevant here is David G. Roskies (ed.), *The Literature of Destruction: Jewish Responses to Catastrophe* (Philadelphia 1988).

⁸⁴ Regarding the dominant image of the ‘pioneer’ in Israeli popular memory and historiography, see Boaz Neumann, *Land and Desire in Early Zionism* (Waltham 2011). About the gap between this image and sociological features of the Second Aliyah, see Gur Alroey, *Immigrants: Jewish Immigration to Palestine in the Early Twentieth Century* (Jerusalem 2004).

⁸⁵ Shapira, *Land and Power*.

enemy, be it Arab or British. A byproduct of this process was the glorification of the Jewish fighter.⁸⁶ As sociologist Uri Ben-Eliezer notes, the trend was also a preliminary step in the development of an Israeli militarism, which became a central feature of the Israeli experience in the early years of the state, and a central tenet in building Israeli society into “a-nation-in-arms.”⁸⁷ During the 1940s, the ultimate embodiment of the fighter-citizen was the *Palmachnik* who fought in the Palmach and worked for his or her labor in the kibbutz.⁸⁸ During the 1948 War, this model was also applicable to thousands of Israelis who either volunteered to fight in the war, or happened to find themselves under enemy fire.⁸⁹

An additional byproduct that emanated from the blurring of the difference between soldiers and citizens was the legitimacy of sacrificing one’s life for the national cause. According to sociologist Yagil Levy, the period of the *Yishuv* and early statehood was characterized, among other effects, by the acknowledgment of the Jewish population that the Zionist enterprise could claim their lives.⁹⁰ By the time of the inception of the State, militarism was a key feature of the

⁸⁶ Ibid, 58, 365-368; Almog, *The Sabra*, 120-137.

⁸⁷ Earlier models of ‘nations-in-arms’ that preceded the Israeli model include the first French republic following the 1792 legal affirmation of the *levée en masse*; nineteenth century Prussia, and Japan in the early years of the Meiji Era (1868-1912). Further details about cultural militarism through a comparative lens are available in see Ben-Eliezer, *The Making of Israeli Militarism* (Bloomington and Indianapolis 1998), 195-199 and Stuart A. Cohen, *The New Citizen Armies: Israel’s Armed Forces in Comparative Perspective* (London and New York 2010). About Israeli militarism during the pre and early-statehood years, see Ben-Eliezer, *The Making of Israeli Militarism* and Baruch Kimmerling, “Patterns of militarism in Israel,” *European Journal of Sociology* 34 (1993): 196-223.

⁸⁸ The *Palmach* (Hebrew acronym for ‘Shock Squads’) was established in 1941 as elite fighting force of the *Haganah*, which was the biggest paramilitary organization in Mandatory Palestine. By and large, the Palmach was, as Anita Shapira put it, “an army with a civilian mentality” that embodied the image and ethos of the Sabra. For further details about the social features of the Palmach see, for example, Shapira, *Land and Power*, specially pages 344-345 and 348-349; Ben-Eliezer, *The Making of Israeli Militarism*, 43-48; Emmanuel Sivan, *The 1948 Generation: Myth, Profile and Memory* (Tel-Aviv 1991) and Almog, *The Sabra*.

⁸⁹ In later years, the citizen-soldier concept also became relevant for thousands of Israeli reservists. Service in reserve units has been a central feature of Israeli life and a symbol of Israeliness. For more about the nature and changes of Israeli militarism in later years, see Daniel Maman, Eyal Ben-Ari, Zeev Rosenhek (eds.), *Military, State, and Society in Israel* (New Brunswick and London 2001); Gabriel Sheffer and Oren Barak (eds.), *Militarism and Israeli society* (Bloomington 2010); Stuart A. Cohen, *Studying the Israel Defense Forces: A Changing Contract with Israeli Society* (Bar Ilan University 1995), and Stuart A. Cohen, “Towards a New Portrait of the (New) Israeli Soldier,” Reprinted from *Israel Affairs* 3 (Spring/Summer 1997): 77-117.

⁹⁰ Yagil Levi, *Israel’s Death Hierarchy: Casualty Aversion in a Militarized Democracy* (New York and London 2012), 41. Also see Udi Lebel, “Civil Society Versus Military Sovereignty: Cultural, Political, and Operational Aspects,”

statist ideology known in Hebrew as *mamlakhtiyut* (Etatism). According to this doctrine, the IDF was “the embodiment of the new statism, the main instrument of the principle that sought to fuse the society’s pioneering values with the *raison d’etat*.”⁹¹ As a result, death in battle was viewed as “the ultimate embodiment of the mythic ideal” of the warrior ethos already in the pre-statehood years. The same was true, as sociologists Yoram Bilu and Eliezer Witztum argue, for the reverse position: “psychological collapse under fire subvert[ed] the myth of heroism.”⁹² All of these elements lead to the conclusion that surrender in the battle, of which the members of Nitzanim were accused, broke a fundamental social code at the worst possible moment.

No less worrying was their apparent decision to disobey orders prohibiting non-combatants to evacuate their settlements without receiving an explicit directive. The standing order—known as the “Tel Hai order”—that the *Haganah* command published on the 13th of October 1947, specifically noted that “*it is forbidden to evacuate any Hebrew post or settlement*” that should be held “*until the last man*. Evacuation from the posts of non-combatants (children, women, elderly etc.) will be done [only] following [receipt of] permission by the authorized bodies,” which the Tel-Hai order does not expand upon.⁹³ The name of the order was obviously not accidental. Other than the fact that it was an appendix to an operation that was taking place in the upper Galilee—

Armed Forces & Society 34:1 (October 2007): 67-89. One should add that evasion from military service during the 1948 War was not necessarily a rare phenomenon. See Moshe Naor, “The Home Front and the Mobilization in the 1948 War”, *Israel* 4 (2003): 39-57.

⁹¹ Ben-Eliezer, *The Making of Israeli Militarism*, 194, and compare to Levy, *Israel’s Death Hierarchy*, 39. For more about the origins and nature of Israeli statism, see Nir Kedar, *Mamlakhtiyut: David Ben-Gurion’s Civic Thought* (Be’er-Sehva and Jerusalem, Ben-Gurion University, The Ben-Zvi Institute, 2009) and Kimmerling, *The Invention and Decline of Israeliness*.

⁹² Yoram Bilu and Eliezer Witztum, “War Related Loss and Suffering in Israeli Society: An Historical Perspective,” *Israel Studies* (5:2), Fall 2000, 16. Also relevant here is the piece by Eyal Ben-Ari, “Epilogue: A “Good” Military Death,” *Armed Forces & Society* (34:4), Summer 2005, 651-664.

⁹³ I borrowed the quote of the Tel-Hai order from Ben-Zion Dinur, Shaul Avigur, Yitzhak Ben-Zvi, Elazar Galili, Yisrael Galili, Yehudah Slutzki (eds.), *From Resistance to War (Sefer ha-Haganah)*, Volume III, Part III (Tel-Aviv, Am Oved, 1972), 1948 (emphasis in the original). Further details about the order are available *ibid*, Volume III, Part II, 1339-1340. Also see Avraham Ayalon, *Hativat “Givati” be-Milhemet ha-Komemiyut* (Tel-Aviv, Maarakhot, 1959), 119-122.

an operation that was called “Operation Tel Hai”—the order alluded to the myth of Tel-Hai, on which generations of Israelis and members of the *Yishuv* were raised since 1920.⁹⁴ As is widely known, the myth commemorated the memories of eight Jewish settlers who lost their lives in the defense of the Tel-Hai farm in March of that year. The essence of that event was encapsulated in what were alleged to be the final words of the commander of the farm, Yosef Trumpeldor: “it is good to die for our land.” These words were held in the *Yishuv* as a supreme Zionist value, and a moral imperative.

As historian Yael Zerubavel points out, “[f]rom the end of the 1920s until the foundation of the State of Israel, Tel Hai continued to function as the most prominent national myth of the growing *Yishuv*.”⁹⁵ Tel-Hai itself became a sight of pilgrimage of sorts, and the battle that took place there was eternalized in a variety of ways. This included an annual day of commemoration on the eleventh of the Hebrew month of Adar, as well as a book about the legacy of Tel-Hai that was published during the 1948 War by the Israeli Ministry of Defense.⁹⁶ The importance of strong perseverance in the face of war horrors was also anchored in non-Israeli symbols. One of them was the ghetto resistance of figures such as Abba Kovner and his peers from the Vilna ghetto. An additional role model was the British people’s exemplary stance when facing the German blitz.⁹⁷

⁹⁴ Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (The University of Chicago Press, 1995), chapter 3 and 9. For further details about the topic see Shapira, *Land and Power*, especially pages 98-109; Mordechai Naor (Ed.), *Ish Tel Hai. Zalman Belahovsky: Parashat Tel-Hai le'ahar ke-Tishim Shanah. Mikra'ah Historit-Sifrutit* (Tel-Aviv, The Ben Zvi Institute, 2009).

⁹⁵ Zerubavel, *Recovered Roots*, 148.

⁹⁶ Gershon Rivlin (ed.), *The Tel Hai Heritage* (Tel-Aviv, A. Mozes, 1948).

⁹⁷ Nurit Cohen-Levinovsky, “Evacuation of Non-Belligerents: A Comparative Study of Three kibbutzim” in Mordechai Bar-On and Meir Chazan (eds.), *Citizens at War: Studies on the Civilian Society during the Israeli War of Independence* (Jerusalem, The Galili Center of Defense Studies, 2006), 286, 292-295 and compare to Tal, *The Evacuation of Non-Belligerents*, 63.

This, in general terms, was the background at the heart of the public condemnation against Nitzanim and its being singled out. The condemnation of Nitzanim by the publication of the combat leaflet depicted the kibbutz as an anti-thesis to the idyllic image Israeli society hoped to look like. In his studies about the memory of some historical figures from American history, sociologist Gary Alan Fine have argued that “It is through stories about representative persons—who are typical in their atypicality—that societies define themselves.”⁹⁸ The story of kibbutz Nitzanim validates this assertion in the context of communities. Familiar as they were with the values of the Yishuv, the belief in the righteousness of their way and a sense of belonging to the working settlement movement (*ha-hityashvut ha-‘oveded*), the members of Nitzanim demanded an investigation of the events of the battle while the war was still in progress. This demand and the inquiry that followed stand at the heart of the next section of the chapter.

The Burstein Committee

Representatives of Nitzanim first demanded an investigation into issues related to the fall of the kibbutz on June 15, 1948, that is, eight days after Nitzanim was destroyed by the Egyptian army.⁹⁹ A letter the secretariat of the kibbutz [*mazkirut meshek Nitzanim*] sent to David Ben-Gurion demanded clarification of a long list of matters related to what the kibbutz defined as culpable negligence by the Givati Brigade. According to the secretariat, in the weeks that preceded the battle, the Givati headquarters discriminated against Nitzanim in a number of ways, including disregard of basic military needs, inappropriate armament, and mobilization of insufficiently

⁹⁸ Gary Alan Fine, *Difficult Reputations: Collective Memories of the Evil, Inept, and Controversial* (Chicago and London 2001), 7.

⁹⁹ YTA 12-13/11c18, Nitzanim to David Ben-Gurion, June 15, 1948.

trained soldiers. The letter went on to argue that the kibbutz's requests to be reinforced were ignored for political considerations. More specifically, the members of Nitzanim believed that they were discriminated especially against kibbutzim of Ha-Shomer Ha-Tsa'ir because their kibbutz had been affiliated with the smaller movement of Ha-No'ar Ha-Tsiyoni.

Interestingly, the combat leaflet was not included in the preliminary request to investigate the battle, since, according to the kibbutz, the fighting should have been a military issue under the jurisdiction of the IDF, and not of Nitzanim, which was the focus of the leaflet. In making its argument, the secretariat of the kibbutz mentioned that two thirds of the local defenders were not kibbutz members but Givati soldiers. It furthermore stressed that clarification of many details regarding the battle would only become possible after the prisoners were returned from Egypt. As long as they remained in captivity outside Israel, no in-depth inquiry about the battle was possible. The letter ended with the assertion that no finger could be pointed at the locals over what happened in the battle of Nitzanim, let alone so early in the process of trying to account for what had happened.

Roughly two months after Nitzanim's first call for an investigation was left unanswered, Moshe Kolodni, Nitzanim's political patron, turned to Ben-Gurion, raising serious accusations about the smearing of the kibbutz by the people of Mapam and the Ha-Shomer Ha-Tsa'ir.¹⁰⁰ Unlike the preliminary request of Nitzanim to investigate the battle, Kolodni's demand gave much attention to the combat leaflet. Kolodni stressed the need to investigate "the facts about the perseverance and the fighting of the Nitzanim group as well as on what basis were the words of the Brigade commander published in the daily order." Kolodni added that "if it transpires that there

¹⁰⁰ See note 67 above.

was no basis for the accusations” brought up in the combat leaflet, then it will be necessary to put Avidan on trial for daring to “dishonor the members, soldiers and pioneers who dedicated their lives to the building of a pioneering settlement and fought for it till the end.”¹⁰¹ Kolodni’s letter indicates that he had no doubt that the accusations that were made against his friends in Ha-No’ar Ha-Tsiyoni were baseless. The letter was also accompanied by an opinion piece that was published in the movement’s magazine, *The Zionist Worker (ha-‘Oved ha-Tsiyoni)*, on that same day entitled *The Nitzanim Case*. The anonymous author of the piece urged its readership to “think how ugly the act of defamation and whispering is, which certain political circles keenly undertake, [to prove] that Nitzanim surrendered “in fifteen minutes” without fighting back.”¹⁰² From here on, the place of the combat leaflet in the struggle to determine the events that occurred in Nitzanim only grew in importance.

As opposed to the first call that was left unanswered, Kolodni’s demand set the wheels of the defense establishment in motion. On the 29th of December 1948 Ben-Gurion instructed the IDF to investigate the “case of the war and defense of the Nitzanim group in relation to the order of the day that was issued by the Brigade commander in the south at that time.”¹⁰³ This wording, which also appears in the letter of appointment of the inquiry dated March 23, 1949, is almost totally identical to the demand that was presented by Kolodni in July 1948.¹⁰⁴ The person who was first appointed to carry out the investigation was Lieutenant Colonel N. Burstein who was supposed to complete the task on his own before the elections to the Constituent Assembly (*ha-Asefah ha-Mekhonenet*), which were set for January 25, 1949.¹⁰⁵ One should add that the person who

¹⁰¹ See note 66 above.

¹⁰² See *Ha-‘Oved Ha-Tsiyoni* (19:197), July 5, 1948. I borrowed the copy that was appended to the Burstein Report (IDFA 1022-922/1975, Appendix 4, 22).

¹⁰³ IDFA 182-129/1951, Nehemiyah Argov (Aide-de-Camp to Minister of Defence Ben-Gurion) to David Shaltiel, (Inspector General of the IDF), December 29, 1948.

¹⁰⁴ IDFA 1022-922/1975, A. Aronov to David Ben-Gurion and Ya’akov Dori, April 17, 1949.

¹⁰⁵ IDFA 432-1308/1950, David Shaltiel to David Ben-Gurion, January 11, 1949.

appointed Burstein to the job, on the instruction of Ben-Gurion, was General David Shaltiel who was known during the war for supporting the evacuation of civilians under fire. Moreover, in July 1948 Shaltiel was dismissed from his position as the commander of Jerusalem and its surroundings for the same reason, i.e., that he took a defensive approach that was in stark contrast to the principle approach of David Ben-Gurion and the Supreme Military Command.¹⁰⁶ In any event, the independent inquiry by Burstein did not take place since Burstein was appointed shortly thereafter as the representative of the Defense Minister to the central election committee for the Constituent Assembly. The inquiry was therefore temporarily frozen.¹⁰⁷

It was launched for the second time two months later, after the prisoners of Nitzanim had returned to Israel. In a letter that the returnees sent to the Minister of Defense and the Chief of Staff on March 13, 1949, they highlighted that only then, nine months after the battle, they became aware of the “smear campaign” that was initiated against them by the Givati Brigade command. “We hoped” they added, “that on the day of our return to the homeland we would demand responsibility from the commanders of the south who, in their indifferent and negligent care about us, created a severe and tragic situation. And now we were shocked to hear and read the smears with the obvious goal of hiding their mistakes and blaming the combatants in absentia.”¹⁰⁸ Therefore, the people of Nitzanim demanded an examination of the events with Avidan, Kovner

¹⁰⁶ The person who replaced Shaltiel as the commander of the Jerusalem area was Moshe Dayan. Regarding Shaltiel's attitude toward the evacuation of Gush-Etzion see Moti Golani, "*Mateh Mahoz Yerushalayim ve-Gush Ezion be-Tashah*," in Arie Naor (ed.), *Gush Etzion Mi-Reshito Ve-'ad Tashah* (Jerusalem, the Ben-Zvi Institute, 1985), 182-189. Also see Netanel Lorkh, *Korot Milkhemet ha-Atsma'ut* (Givatayim, Yediot Ahronoth, 1989), 201-202. For further details about Shaltiel see the chapter “Living in the Shadow of Shame: Masada and Sha'ar ha-Golan”.

¹⁰⁷ Uri Milstein raises doubts regarding the authenticity of this explanation. His assertion, however, is not supported with any empirical evidence. Also, the narrative he depicts regarding the setup of the Burstein Committee flaws with empirical mistakes. See Milstein, *Left to Die*, 203-205 and compare to this chapter.

¹⁰⁸ IDFA 289-580/1956, Nitzanim to Ben-Gurion, March 13, 1949. A copy of the letter members of Nitzanim sent on March 13 and 21, 1949 to IDF Chief of Staff Dori is available at IDFA 432-1308/1950.

and Yitzhak Pundak. Following this letter the Defense Ministry and the IDF decided to investigate the events quickly.¹⁰⁹

This time Burstein was appointed to investigate the event as chairman of a three member committee, which included first-deputy Shimshon Amitai, and Lieutenant Colonel Yitzhak Levi (Levitsah),¹¹⁰ who in the two months that preceded the establishment of the Committee served under the command of Shaltiel in Jerusalem.¹¹¹ Dilemmas relating to evacuation of civilians under fire were, therefore, not a new topic also for Levi.

The setup of the Burstein Committee points to the confusion and mayhem that characterized the defense establishment at that time. In fact, one week after the Burstein Committee was established on the instructions of Ben-Gurion, the Chief of Staff appointed another committee to investigate the issue. This committee was dismantled two days after it was launched for the simple reason that there was no need for it.¹¹² Additionally, on May 2 of that year, namely two weeks after the Burstein Committee had ended its work, the director general of the Ministry of Defense suggested to Ben-Gurion that a committee of three public figures be established to look into the events and issue recommendations about the fall of “Nitzanim, Sha’ar ha-Golan and Masada because the people of these farming communities continue to demand an investigation and if the investigation was not carried out at that time then it is a wound that will remain for years to come.”¹¹³ These words reflect what has been a common Israeli notion already at this preliminary

¹⁰⁹ See the correspondence between David Shaltiel and David Ben-Gurion (March 18, 1949) and between Nehemiyah Argov and the IDF Inspection Department (March 23, 1949) at IDFA 182-129/1951 and 1022-922/1975, respectively.

¹¹⁰ IDFA 182-129/1951, A. Aronov to Minister of Defence and IDF Chief of Staff, April 17, 1949.

¹¹¹ Golani, *Mateh Mahoz Yerushalayim*, 192, fn. 4.

¹¹² Ya’akov Dori appointed the second investigation committee on March 30, 1949. The committee was manned by three officers: Nahum Spiegel (Chairman), Nehemiyah Burstein and Emanuel Handler. It was dismantled on April 1st, 1949 (See the appointment letters at IDFA 432-1308/1950).

¹¹³ IDFA 289-580/1956, Eliezer Perry to David Ben-Gurion, May 2, 1949.

phase in the history of the country, that is, before the Israeli Commissions of Inquiry Law, 5729-1968 had been put into law: commissions of inquiry could function as effective agents of memory, which have the capacity to clarify matters of vital public importance, and set straight the historical record.¹¹⁴

The Burstein Committee finished its work on April 15, 1949, and submitted its report to David Ben Gurion two days later. It received testimony from nineteen people, including Avidan, Kovner and Pundak. Each one of these three claimed, in his own way, that as a result of the concern over demoralization among the fighting forces, the publication of the combat leaflet on June 1948 was a justified step, or as Kovner put it: “The order was written not for Nitzanim but rather for those who were still at war.”¹¹⁵

The report that was submitted by the Burstein Committee opened with a review of the forces that were in the Nitzanim area at the time that preceded the battle. The investigation revealed that, in term of equipment and weapons, Nitzanim was distinctly disadvantaged compared to the Egyptian enemy, since Nitzanim was *de facto* the weakest point among the Israeli peripheral settlements. The Committee also determined that in this respect, the Givati Brigade could not have done anything to better Nitzanim’s condition, and provide it with further weapons. The Committee went on to describe the events of the battle itself but gave most of its attention to the issues pertaining to the combat leaflet and the question of what the Givati Brigade knew about the events that took place in Nitzanim in the hours preceding its publication.

¹¹⁴ About the Israeli Commission of Inquiry Law, 5729-1968 and its history see Avigdor Klagsbald, *Tribunals of Inquiry* (Jerusalem 2001).

¹¹⁵ IDFA 182-129/1951, 43.

The investigation revealed that the picture of the battle that Avidan had was mistaken.¹¹⁶ The Givati command assumed that the battle was short; that most of the Israeli fatalities were killed after their surrendering to the enemy but not during the battle; that the commander of the Israeli force was killed shortly after the beginning of the events, and that most of the members of Nitzanim (as opposed to the people of Givati) did not take an active part in the fighting but rather preferred to hide in the bunkers. In fact, however, the battle lasted for fifteen hours and the defenders of the Kibbutz—including the people of Nitzanim who did not fall short in their battle efforts compared with the Givati soldiers—fought as best they could even after the enemy succeeded in breaking through the fences of the kibbutz. The commander in charge, Avraham Schwarzstein, displayed bravery in his command throughout the battle and reported the surrender only once the battle was determined. The inquiry revealed that he was shot dead while marching towards the enemy while waving a white flag. Nitzanim, therefore, fell not due to Israeli defeatism but rather due to an overall Egyptian advantage, and topographic conditions that favored the enemy.

Referring to the combat leaflet the committee adopted the position of Avidan and Kovner and determined that its publication was a need of the hour, that is, a “completely justified” step, and a very important tool in the Givati Brigade’s war against defeatism and low spirits. However, the Committee added that there was no doubt that the leaflet was libelous towards the people of the kibbutz. It therefore recommended that “the fighters of Nitzanim i.e. the soldiers of Givati and the Kibbutz members, be given full rehabilitation.” Also, it added that “in light of the wide circulation of the “Failure” [the heading given to the combat leaflet], even beyond the round of the Brigade and the southern command, care should be given so that the truth about the battle of

¹¹⁶ See note 65 above.

Nitzanim be brought to the public's awareness."¹¹⁷ The report ended with a condemnation of the Committee of the attempt to blame the Givati command for neglecting Nitzanim for political reasons. By doing so, the Committee did not try to deny the fact that the amount of weapons of the settlements in the area, including in Nitzanim, was influenced by political pressure exerted on the military command. Also, the Committee determined that this bad form must be fought against, and that the Givati Brigade in general and the 53rd Battalion in particular "could do very little to remedy the situation."¹¹⁸

While the Committee acknowledged the importance of the dissemination of its conclusions in public, the publication of the report was not taken for granted by the IDF. In a letter that Chief of Staff Dori sent to the Minister of Defense, when the Committee ended its work, he asked Ben-Gurion for clear guidance concerning the "level of publicity (*Pirsum*) it should be given." Dori also asked if it would be enough to pass the report on exclusive viewing by the Nitzanim community.¹¹⁹ Specific guidance was most likely not given to him. However, the decision of the Committee to make its conclusions public was implemented in practice due to the intense

¹¹⁷ IDFA 182-129/1951, 37.

¹¹⁸ Ibid, pages 36 and 29, respectively. The topic of a would-be political discrimination of different kibbutzim during the 1948 War continues to stand at the heart of an ongoing public and scholarly controversy. Claims regarding the discrimination of Nitzanim during the war were raised in recent decades on many occasions. See for example *Al ha-Mishmar*, December 26, 1983; Sue Fishkoff, "Surviving Shame," *The Jerusalem Post*, May 3, 1995, 10; Shlomo Nakdimon, "*Hithadesh ha-Kerav 'al Nitzanim*," *Yediot Ahronoth* (Holiday Edition), May 3, 1995, 16-19; *Ha-Kibbutz*, December 31, 1998, 12-13; Ada Ushpiz, "Youth in Tel-Aviv, Death in Nitzanim," *Haaretz* (Holiday Edition), October 10, 2003, 23-24; Ofer Aderet, "Tell Dani that he had a Mother," *Haaretz* (Weekend Section), October 7, 2011, 12-13, and Milstein, *Left to Die*. The counter argument according to which Nitzanim was not politically discriminated is also available in several sources. See for example Yisra'el Galili, "*Ha-Emet 'al Nitzanim*," *Yediot Ahronoth*, January 9, 1984; Avihai Becker, "*Bati le-Vakesh Slihah*," *Haaretz*, April 23, 2004, and more. The fact that both Nitzanim and Sha'ar ha-Golan complained about discrimination in allocation of weapons, i.e. two kibbutzim who were affiliated with two different kibbutz movements, indicates that political consideration were not the main reason for the poor weapons the kibbutzim had had in their disposal. In other words, the kibbutzim first and foremost paid the price of the little weapons the Israeli military establishment could allocate during the 1948 War.

¹¹⁹ IDFA 432-1308/1950, Ya'akov Dori to David Ben-Gurion, April 24, 1949.

commemoration activity of Nitzanim, which was fully backed by its kibbutz movement of Ha-No'ar Ha-Tsiyoni.

The Burstein Committee therefore did not ignore the military failure that was part of the battle over Nitzanim. It affirmed the account of the locals and acknowledged the difficult circumstances that led to their defeat. So it happened that the demand of the kibbutz to vindicate and clear its name by the establishment was seemingly fulfilled in toto. However, as we have seen at the beginning of this chapter, the feeling of guilt associated with the destruction of the kibbutz continued to accompany its members decades after the Burstein Committee finished its work. It therefore might be concluded, as many scholars and laymen have indeed insisted, that the Committee failed in its task, for it was not able to erase the public disgrace of the condemnation that was brought on Nitzanim.

The next part of the chapter challenges this conclusion by way of focusing on three central questions, which are: 1) What lay at the foundation of the feeling that the mark of disgrace was not removed from Nitzanim? 2) How did the kibbutz react to that feeling?, and 3) What can be learned from the struggle of Nitzanim on its historical image regarding the ability of a commission of inquiry to function as an effective agent of memory? The following pages suggest that Nitzanim was in fact able to leverage the work of the Burstein Committee in a way that ultimately turned the kibbutz into a symbol of heroism in the 1948 War.

Kibbutz Commemorative Activity

The people of Nitzanim saw in the Burstein report the beginning of a long and calculated road towards salvaging the name of the kibbutz. This path was followed with the backing of Ha-No'ar Ha-Tsiyoni movement, the Givati Brigade, the IDF, and the Ministry of Defense.

In the run up to the first anniversary of the battle the Chief of Staff sent a personal letter to the kibbutz in which he backed the findings of the investigation.¹²⁰ In his letter, General Dori wrote that the Givati Brigade order was, in fact, “written with the desired intention to strengthen the spirit of the defenders of the southern district [but it] did not reflect the whole truth about the defense of the Nitzanim group . . . [I]t is regrettable that without malice things were said in that order that should not have been said.” The story of the group, the Chief of Staff determined, gives “honest testimony to the desperate struggle that honors all those who fought bitterly till the last bullet. What happened to Nitzanim happened also in other posts whose residents defended bravely till the last possible moment.” Naturally, these words were received with great joy in the kibbutz, and the letter was even sent by Nitzanim for safe keeping in the IDF archives, who claimed it to be “a document of military and historic importance.”¹²¹

The first anniversary of the battle was marked with a festive commemoration during which a center for immigrant youth was established. Among the speakers in the event, which was broadly covered in the daily press, was an officer from the Givati Brigade who stressed that the defense of Nitzanim “was one of the brilliant chapters in our war for the State of Israel. The fighters of Nitzanim, residents and soldiers alike wrote in blood a glorious page in the annals of the struggle for our independence. They carried out honorably the holy task (*ha-mesimah ha-kedoshah*) that was bestowed upon them.”¹²² From this it is clear that the IDF and Givati took a patent and public position in supporting the kibbutz.

¹²⁰ IDFA 306-758/1953, Yaakov Dori to Nitzanim, May 26, 1949.

¹²¹ Nitzanim Archives, Nitzanim to the IDF Archives, June 6, 1949.

¹²² I borrow the (Hebrew) quote from Nitzanim, *Nitzanim Ba-Matzor uva-Ma'arakha: Bimelot Shanah la-Ma'arakha* (Jerusalem, Ha-Shilo'ah, 1950), 56. Between May 27 and May 29, 1949 the daily press covered widely the commemoration ceremony that was held in Nitzanim on the first anniversary of the battle. By and large, the press presented the kibbutz and its defenders as heroes. See for example the accounts in the newspapers of *Haboker*, *Hador*, *Davar*, *'Al ha-Mishmar* and *Ma'ariv*.

The annual commemoration ceremony became a tradition that lasts until this day in Nitzanim. In the past, the kibbutz invited senior public figures who honored the kibbutz by their presence. When they could not attend they sent the kibbutz a letter of support. One such public figure was David Ben Gurion who, on the tenth anniversary of the battle, wrote a letter to the kibbutz in which he commended the “fearless stance [of the people of Nitzanim] as defenders who risked their lives for the ideal of their life has the force of a supreme human victory.” Ben-Gurion added that “together with all the people of Israel I lower my head before the heroes of Nitzanim who made the ultimate sacrifice that was not in vain.”¹²³ Furthermore, in a letter Ben-Gurion sent to the kibbutz on July 22, 1962, he praised “the heroes of Nitzanim . . . [who] stood bravely and their bravery will shine for generations.”¹²⁴ For the fifteenth anniversary of the fall of the kibbutz, he shared his personal feelings with the members: “In my heart,” he wrote, “I unite and join you as one in recalling the memory of our fighters who will never—I am certain—disappear from the hearts of this nation.”¹²⁵ There are additional examples indicating the strong support that representatives of the military and political establishment gave the kibbutz from the end of the 1940s onwards. This acknowledgment was accompanied by the kibbutz’s own work of commemoration.

Over the years, Nitzanim published several books laying out its history in general and the 1948 War in particular. It also maintained relations with external bodies that dealt with the subject. In 1949, for instance, the secretariat of Nitzanim initiated contact with the IDF archives in order to receive information concerning the fallen victims of the kibbutz for the purpose of publishing a

¹²³ David Ben-Gurion to members of Nitzanim May 19, 1958. See David Ben-Gurion, *Mi-Levl el Lev: Devarim el Horim Shakulim* (Tel-Aviv 1976), 96. The Chief Sephardi Rabbi Yitzhak Nisim sent to Nitzanim a similar letter on May 16, 1958.

¹²⁴ Nitzanim Archives, David Ben-Gurion to Kibbutz Nitzanim, July 22, 1962.

¹²⁵ The letter was quoted by *Davar*, May 24, 1963.

commemorative (*Yizkor*) book in their honor.¹²⁶ In that year a booklet entitled *Nitzanim* was published on behalf of the leadership of Ha-No'ar Ha-Tsiyoni in Uruguay, which included, among other things, testimony about the battle by one of the members of the kibbutz. A year later Nitzanim also published the book *Nitzanim Ba-Matzor uva-Ma'arakhah* [Nitzanim Under the Siege and in the Battle] which commemorated the memory of the fallen “with a holy tremble,” while highlighting the strong stance of the kibbutz in the face of an enemy superior in quantity and in quality.¹²⁷ The book was published in two editions. It attracted the attention of the Ministry of Education and Culture, and the department for commemoration of soldiers in the IDF, which asked that the book be distributed among students, soldiers and public libraries.¹²⁸

An additional commemoration booklet was published by the kibbutz in 1962 in which Shimon Avidan examined issues pertaining to the fall of the kibbutz.¹²⁹ In a short article about the role of Nitzanim in the campaign, Avidan described the difficult situation of the kibbutz in the months preceding the battle that took place on June 7. Avidan highlighted the problem of defense due to the geographical location of the kibbutz; the meager weaponry that Nitzanim had at its disposal and the numerical superiority of the Egyptian forces. He summed up by stressing the bravery of the kibbutz defenders, writing: “Nitzanim fell in battle, in combat, and for that same reason was also resurrected! Thirty three heroes, community members and soldiers lost their lives. A precious price but not in vain. The defenders of Nitzanim gave us another day, more hours to get organized for the continuation [of the battle].”¹³⁰ Even though Avidan’s account does not

¹²⁶ Nitzanim Archives, Nitzanim to the Yizkor Book Editorial, IDF Archives, June 6, 1949.

¹²⁷ Nitzanim, *Nitzanim Ba-Matzor uva-Ma'arakha*, pages 3, 18 and more.

¹²⁸ Nitzanim Archives, The Ministry of Education and Culture to Nitzanim, May 16, 1951, and The Military Department for Commemoration of Soldiers, December 14, 1952. Some independent scholars also requested Nitzanim to send them a copy of *Nitzanim Ba-Matzor uva-Ma'arakha*. See, for example, the letter of Gabriel Arieli (May 27, 1952) and Avigdor Shaham (August 6, 1964).

¹²⁹ Shimon Avidan, “*Tafkid Nitzanim ba-Ma'arakhah*,” in *Nitzanim* (Israel, Mekorot 1962), 35-37. A copy of the booklet is available at YTA 12-13/11c14.

¹³⁰ *Ibid*, 37.

include a direct reference to the combat leaflet, he implicitly refers to the lack of accuracy associated with its publication. Avidan does so without regret, highlighting the strategic importance of the battle and the high price in lives lost.

The historiographical activity of the kibbutz was also apparent in the Givati Brigade's initiative to publish a comprehensive book about its wartime activities.¹³¹ The section relating to Nitzanim was written, in fact, in cooperation with the kibbutz, which was asked to give its opinion of, and comments on, an advance draft sent by the author. In response, the kibbutz gave general approval, responded to a list of questions that was directed to it, and made several corrections.¹³² It devoted special attention to a part that discusses the atmosphere in Givati following the battle. The kibbutz secretariat wrote to the Ministry of Defense's publishing house, *Ma'arakhot*: "It is our opinion that if the combat leaflet titled 'Failure' is published then the letter of Chief of Staff Yaacov Dori [of May 26, 1949] that discusses the events of Nitzanim should also be published." This request was accepted in full with an additional comment that "the wrong impression was created that Nitzanim surrendered before no other options were exhausted."¹³³ From this, too, it is apparent that Givati and Nitzanim were in agreement about the way the battle unfolded.

The kibbutz continued to be watchful and to make contact with additional individuals who engaged in the story of Nitzanim, but were not exact enough, or did not present it in a way that the kibbutz expected or wanted. This included authors, journalists, and tour guides. In April 1958, for example, the kibbutz lodged a complaint to the *Davar* newspaper about an inaccuracy in an article referring to the kibbutz in relation to central events of the 1948 War.¹³⁴ The article briefly

¹³¹ Nitzanim Archives, Avraham Ayalon to Nitzanim, January 11, 1953.

¹³² YTA 12-13/11c15, Nitzanim to the Ministry of Defense Press (*Ma'arakhot*), January 27, 1953.

¹³³ Ayalon, *The Givati Brigade Facing the Egyptian Intruder*, 163. Dori's letter appears on page 165. One should add that the survey about Nitzanim (151-163) begins with a footnote, according to which the section is based, inter alia, on a booklet by Nitzanim and the Burstein report (p. 151).

¹³⁴ Yoel Markus, "*Medinah be-Matsor Ne'eveket 'al Bithonah*," *Davar*, April 24, 1958.

noted that Nitzanim “fell and 160 of its people were taken captive.” In the complaint to *Davar* kibbutz members wrote that “this sentence insulted us greatly.” They stressed that on the day the kibbutz fell there were [only] 130 people there of whom 32 were killed and dozens were injured.” The members of Nitzanim closed the letter by saying that the article “caused a storm in the kibbutz, and we will not rest until this is remedied in a satisfactory way and place.”¹³⁵

Another example of the active approach by Nitzanim, this time from 1976, was a complaint the kibbutz lodged against the Ministry of Defense about the way in which it was depicted in a book of commemoration (*Yizkor*) published by the Ministry. In a letter sent by the kibbutz’s patron, Minister of Tourism, Moshe (Kolodni) Kol, to the Minister of Defense, Shimon Peres, the former claimed that the portrayal of Nitzanim in the book, particularly in comparison to the way kibbutz Yad-Mordechai was depicted, was discriminatory. According to Kol the book “does not reflect the historical truth and wrongs the heroes of Nitzanim.”¹³⁶ In response, Peres sent Kol a personal letter conceding that his comment “is most noteworthy,” and that the Ministry intends to “correct this if and when an additional edition of the booklet is published.”¹³⁷ And, in fact, in the 1977 edition, the part about which Kol complained, regarding both Nitzanim and Yad-Mordechai, was removed.¹³⁸ One can easily add additional examples from later years, during which Nitzanim raised similar complaints concerning inaccuracies and historiographical wrongs towards the kibbutz that were apparently made by the *Ma’ariv* newspaper, the Ministry of Tourism, the *Kol Yerushalim* newspaper, the writer Uri Avnery, the *Shorashim* association that conducted a tour of

¹³⁵ Nitzanim Archives, Nitzanim to Davar, April 29, 1958.

¹³⁶ YTA 12-13/11c15, Moshe Kol to the Minister of Defense Shimon Peres, May 23, 1976. In his letter Kol referred to page 64 in the *Izkor* book by Ilana Shamir (ed.), *Yom ha-Zikaron le-Halalei Tsahal 5736* (Bat-Yam, The Ministry of Defense Press, 1976). Kol did not, however, mention the reference the book makes to Nitzanim on page 62.

¹³⁷ YTA, 25-M/11c/15, Shimon Peres to Moshe Kol, June 1976.

¹³⁸ Ilana Shamir (ed.), *Yom ha-Zikaron 5737* (Bat-Yam, The Ministry of Defense Press, 1977), 57-63. One sentence that does concern Nitzanim appears in both the 1976 and 1977 editions. See *ibid*, 54, and compare to Shamir, *Yom ha-Zikaron le-Halalei Tsahal 5736*, 62.

the kibbutz, the historian Zeev Tsahor, and more.¹³⁹ Each and every one of these received from Nitzanim a detailed comment and correction to which was often added a copy of one of the kibbutz books.

The historical labors of Nitzanim led to the publication of the book *Nitzanim: A Settlement Built Twice* by Tzvika Dror.¹⁴⁰ In addition, there was an uptick in commemorative activity from 1963 onwards. Moshe Kol headed the effort, which was funded, *inter alia*, by governmental and official bodies such as the Ministry of Defense, the Ministry of Labor, the Jewish Agency, and the Ashkelon Beach Regional Council. This led to the setup of the Nitzanim Memorial Hall Museum in the kibbutz, which tells the story of the battle and commemorates the memory of the fallen combatants.¹⁴¹ On the occasion of the inauguration of the museum in 1966, the kibbutz issued a special booklet. The audiovisual presentation it contains was updated several times over the years in cooperation with the IDF and private production companies.¹⁴² According to the New York-based *Forward*, as of 1998 some 15,000 people visit the museum yearly.¹⁴³

In the same year the museum opened, an initiative to renovate the old Nitzanim field where the actual battle took place in 1948 was launched. At the site, The Woman of Valor Center was built, commemorating Israeli female fighters, including the three women who were killed in the battle of 1948.¹⁴⁴ The person behind the initiative was the commander of the 53rd battalion, Yitzhak

¹³⁹ Nitzanim Archives, Nitzanim to Ma'ariv, December 16, 1983; Ministry of Tourism to Nitzanim and Menachem Gilar, July 7, 1985; Nitzanim and Nehamah Tarif to Azariya Alon, August 7, 1987; Nehama Tarif to Uri Avnery, November 17, 1987; Nitzanim and Arie Adelheit to *Shorashim* group, September 6, 1990, and Nitzanim and Hadassa Vidal to Ze'ev Tsahor, May 21, 1992.

¹⁴⁰ See note 71 above.

¹⁴¹ Some details about the Nitzanim Memorial Hall are available on the kibbutz's website at:

<http://www.knitzanim.com/s15.html>

¹⁴² Nitzanim Archives, *Hanukat Beit ha-Hantsahah le-Halalei ha-Ma'arakhah: 18 Shanim le-Shihzur Nitzanim* (October 10, 1966).

¹⁴³ Oded Lipschitz, "Kibbutz Nitzanim: Honor Restored," *Jewish Forward Weekly*, April 20, 1984, 12.

¹⁴⁴ The Women of Valor Center, Nitzanim was inaugurated on May 25, 1998 by representatives of Nitzanim, the IDF and the government. Some details about the site are available at the website of the Jewish National Fund (<http://www.jnf.org/work-we-do/our-projects/tourism-recreation/women-of-valor-center.html>) and the Society for Preservation of Israel Heritage Sites (<http://eng.shimur.org/searchResults.aspx?query=nitzanim>).

Pundak, who made the commemoration of Nitzanim his life's mission. Pundak wrote extensively about the events of the battle. For decades, he has maintained close contact with the members of the kibbutz. In fact, as an act of solidarity with it, he asked to be buried in the kibbutz next to his fallen comrades.¹⁴⁵ His activities contributed significantly to the commemoration of Mira Ben-Ari, the person in charge of Nitzanim's communications, whose death in the battle was transformed into a symbol of the 1948 War.¹⁴⁶

Based on the public and establishment's support that was bestowed on Nitzanim over the years, one gets the impression that the work of the Burstein Committee was completed by the kibbutz and organizations that supported it over the years. This is, however, not the way in which the kibbutz founders and its second generation have seen things. A leitmotiv in the public discourse and, to a great extent, in the research conducted on Nitzanim is the claim that the disgrace of the combat leaflet has not been completely lifted from it. While one cannot question a subjective feeling on the part of the people of the kibbutz, who were profoundly hurt by the combat leaflet, two points must be added. First, with all the talk of heroism relating to Nitzanim, there are other sources that tell the story of the battle without relying on the combat leaflet and the Burstein Committee.¹⁴⁷ In fact, it is difficult, if not impossible, to find a source that presents the combat

¹⁴⁵ About Pundak, who celebrated his 100th birthday in 2013, and about his commitment to the memorialization and glorification of Nitzanim see Becker, "Bati Levakesh Selihah," *Haaretz*, April 20, 2004 and Nir Mann, "Sipuru shel Tat-Aluf Yitzhak Pundak," *Haaretz*, May 20, 2011.

¹⁴⁶ In recent years much has been written about Ben-Ari also in the daily press. See, for example, Ada Ushpiz, "Ne'urim be-Tel-Aviv, Mavet be-Nitzanim," *Haaretz*, October 8, 2003 and Ofer Aderet, "Tagidi le-Dani she-haitah lo Imah," *Haaretz (Ha-Shavu'a)*, October 7, 2011, 12-15. Yehuda Amihai mentioned Ben-Ari in one of his poems about the 1948 War: <http://old.motke.co.il/SelectedArticle.aspx?ArticleID=3585>. Also see the website of the Association for Israelis of Central European Origin at: <http://www.irgun-jeckes.org/?CategoryID=290&ArticleID=486> (last visited on May 22, 2014).

¹⁴⁷ See for example, Zeev Schiff and Eitan Haber, Associate Editor, Arieh Hashavia, *Israel, Army and Defence: A Dictionary* (Tel-Aviv, Zmora, Bitan, Modan, 1976), 359; Netanel Lorkh, *Milkhemet ha-Atsma'ut* (Tel-Aviv 1957), 104-105 and compare to Lorkh, *Milkhemet ha-Atsma'ut* (1989), 333-334; Ephraim Talmi, *Ma u-Mi: Leksikon Milhemet ha-Atsma'ut* (Tel-Aviv, Davar, 1964), 275-276; IDF History Department, *Toldot Milhemet ha-Komemiyut*, 227; Michaeli, *Abandoned Settlements*, 379-382 and Morris, *1948*, 269-27. Also see the cluster of sources in Nitzanim, *Nitzanim Ba-matzor uva-Ma'arakha*, 52-56.

leaflet as historically authentic. In other words, the claim frequently voiced that the kibbutz was maligned is much more prevalent than written evidence of such slander. Furthermore, the assertion that the ill-effects of the combat leaflet remained is, in fact, an organizing principle in the glorification process of the kibbutz. That is to say, the recurring claim that the mark of the combat leaflet has not been removed from Nitzanim has allowed the kibbutz to proclaim and reclaim its honor time and time again. Over the years, the issue of the combat leaflet has been opened and closed repeatedly.

The Nitzanim case was in fact “closed” on several occasions. In a letter that the members of Nitzanim sent to David Ben-Gurion on May 22, 1958, that is, three days after receiving a letter of recognition and thanks from him, the members thanked the prime minister for the support and encouragement he bestowed on them. They were so grateful that they made it a point to mention that the “bitterness of ten years that accumulated in our hearts was erased and forgotten by your meaningful words.”¹⁴⁸ Similar words were written by Moshe Kol five years later, in a letter to Shimon Peres, who at the time served as deputy defense minister. In his letter, Kol thanked Peres for the participation of the Ministry of Defense in funding the commemoration of the kibbutz. Kol reminded the deputy minister that as opposed to the past, the image of the defenders of Nitzanim is of heroes.¹⁴⁹ Similar claims were made in different contexts many years later. In April 1988, there was a reconciliation meeting attended by the son of Abba Kovner, who had passed away several months earlier.¹⁵⁰ At the end of the meeting, at which Yitzhak Pundak also participated, he

¹⁴⁸ Nitzanim to Prime-Minister David Ben-Gurion, May 22, 1958.

¹⁴⁹ Nitzanim Archives, Moshe Kol to Shimon Peres, May 3, 1963.

¹⁵⁰ For various reasons, which are not entirely clear, an earlier meeting between Abba Kovner and member of Nitzanim which was to take place in 1985 was eventually not realized. It so happened that the Nitzanim affair continues to hover above Kovner’s reputation. See Porat, *Beyond the Reaches of Our Soul*, 277; Dina Porat, “*Mi-Negba ‘ad Kerem Shalom*,” *Ha’arezt*, October 30, 2011; Uri Avneri, “*Keni’at Nitzanim*,” *Haaretz*, November 4, 2011. These sources should be compared to other accounts, who present Kovner in a negative light. See for example Reznik, *Budding from the Ashes*, 197-199 and Chamizer, *Panta Rhei*, 282; Pundak, *Hamesh Mesimot*, 152-157; Pundak, *Be-Aharit ha-Yamim*, 182; Aryeh Dayan, “*Kovner? Hu Mila Tafkid Shuli*,” *Haaretz*, April 21, 2003 and more.

declared in a conciliatory yet determined tone that “[t]here was a document [i.e., combat leaflet], and it is no longer! End of story!”¹⁵¹ In the case of the book written by Tzvika Dror, the secretary of the kibbutz declared that “this book provides closure for the members of Nitzanim. We see in the book a closing of the case.”¹⁵² It was, however, neither closed nor sealed—not completely, in any case—but rather closed and opened time and time again.

The starkest example of the revival of the case of Nitzanim took place at the end of 1983, following a report that was broadcast on what was then the only channel on Israeli TV, the Israeli Broadcasting Authority (IBA). The report covered the re-establishment of the Givati Brigade that, over the years, was drastically reorganized.¹⁵³ In honor of the event, the journalist Ya’akov Achimeir conducted an interview with the first brigade commander, Shimon Avidan, who suggested filming the interview in Nitzanim. During the shooting of the report, Avidan was asked if he regretted publishing the combat leaflet. He responded negatively, saying that the leaflet reflected his feeling and the needs of the brigade as he understood them in the immediate wake of the battle. He did, however, add that “in all likelihood and with the life experience I have gained since, I would have drafted it slightly different. There was no intention to discredit Nitzanim but rather the combatants, not to discredit but to motivate them.” Any alternative reading of the combat leaflet was, according to Avidan, anachronistic. From that point forward, a snowball started rolling. Avidan’s stance was used by the kibbutz’s secretariat for the purpose of public relations. As a result of the show, it was written in the internal bulletin of the kibbutz that “[w]e initiated a

¹⁵¹ Oded Lipschitz, “*Haya Mismakh – Ve-enenu ‘Od,*” *‘Al ha-Mishmar*, April 19, 1988.

¹⁵² Quoted in Shmulik Bador, “*Traumat Nitzanim – ‘Ad Matai?*,” *Ha-Kibbutz*, May 29, 1989 and compare to “*Nitzanim, Akheshav Tor ha-Mahazai,*” *Ha-Daf ha-Yarok*, July 10, 1990, and to the letter by Nitzanim Archives to Avraham Pavlovic, June 14, 1988.

¹⁵³ The IBA broadcasted the report for the first time on December 12, 1983. It was rebroadcasted in late February 2012 to the request of its editor, Ya’akov Achimeir, shortly before he won the prestigious Israel Prize in the field of communications.

“counter-attack”—in the press, in the IDF, on TV. Slowly but surely we have started to see good coming out of a bad situation.”¹⁵⁴

Three days after the airing of the report, two representatives of Nitzanim, Yitzhak Pundak and kibbutz member Nehama Tarif, gave an interview to Israeli television and demanded a remedy to the arguments Avidan made. The following day, the secretary of Nitzanim sent a letter to Ya’akov Achimeir, arguing that “instead of correcting the insult that was done to the memory of the fallen and their families the piece awakened frustration and bitterness.”¹⁵⁵ The letter revealed the shock of the kibbutz over a story which gave the impression that the fall of Nitzanim was a failure, in contrast to the story of kibbutz Negba. The members wrote that “the audience outside of the community that forgot or was unaware of the combat leaflet was given a reminder or was told clearly that the fall of Nitzanim was a failure.” The letter concluded with a demand “to remedy the harm that was done as a result of the airing of the brigadier commander’s words and the combat leaflet.” Achimeir’s response came shortly thereafter.¹⁵⁶ First, he claimed that “the television did in fact find it worthy to ‘complement’ his piece” by interviewing Pundak and Tarif. He was, however, adamant that he was not responsible for Avidan’s comments or for the content of the combat leaflet that had long been made public. It was the controversy about the report which led to the gathering in the dining room with which this chapter begins.

The focus of the event was a first meeting between members of Nitzanim and Shimon Avidan, who held to his position regarding the combat leaflet. Scores if not hundreds of kibbutz members attended this charged and tense event. In a short interview given to Army Radio (*Gale Tzahal*) just after the event, Avidan justified the publication of the combat leaflet, which, according

¹⁵⁴ Nitzanim, *Dapei Nitzanim*, January 1984, 5.

¹⁵⁵ Nitzanim Archives, Nitzanim to Ya’akov Achimeir, December 20, 1983, and compare to Tom Segev, “*Giborim Metim einam Metim*,” *Koteret Rashit* (56) December 28, 1983, 22-24.

¹⁵⁶ Nitzanim Archives, Ya’akov Achimeir to Yigal Ben Natan, December 26, 1983.

to him, was needed by the brigade at the time. He did, however, point out that, in retrospect, the headline was mistaken since the falling of the kibbutz was not the failure of Nitzanim but rather of the Givati brigade.¹⁵⁷ To dispel any doubt, he noted that “the defense of Nitzanim . . . should be viewed as one of the tales of bravery of the 1948 War.” As mentioned above, Avidan made this point as early back as 1962.

Even though journalists were not allowed to take part in the event itself, the media widely covered it. The press stressed the conciliatory atmosphere that accompanied the meeting. The impression left was that the mark of shame hovering over the kibbutz had been removed along with the feeling of rage against Avidan on the part of the kibbutz members.¹⁵⁸ Furthermore, the event gave another push to the commemoration efforts of the kibbutz. In a meeting that took place between the people of Nitzanim and the IDF Chief Education Officer two days after the meeting with Avidan, it was agreed that education NCOs and officers of the IDF learn about the battle that took place at Nitzanim; that the IDF write a relevant lesson-plan for it, and that tour guides be given training on the topic.¹⁵⁹ Such an approach, emphasizing the “bravery of the people of Nitzanim and the camaraderie that was displayed there,” became part of the IDF curriculum.¹⁶⁰ The lesson also mentions the wrong that was done to Nitzanim and stresses the fact that “notwithstanding the [Burstein] committee’s report and the letter of the Chief of Staff [May 26, 1949], not everyone knows the full facts as they happened.” Accordingly, the goal of the lesson

¹⁵⁷ A transcription of the interview is available in *Dapei Nitzanim*, January 1984, 16. Avidan made this point also on later occasions. See Dror, *Nitzanim: A Settlement Built Twice*, 159 and compare to Dagan and Yakir, *Shimon Avidan*, 147.

¹⁵⁸ See, for example, Rafi Gaon, “*Mefaked Givat Hitpayes ‘im Kibbutz Nitzanim*,” *Haaretz*, December 29, 1983; “*Hukal lanu, Lefahot Mevakshim Slihah ‘al Sevel shel Shanim*,” *Maariv*, December 29, 1983; “*Husar ha-Ketem me-‘al Nitzanim*,” *Hatsofe*, December 30, 1983; Yisrael Galili, “*Ha-Emet ‘al Nitzanim*,” *Yedioth Ahronot*, January 9, 1984, and compare to Eitan More, “*Shimon Avidan Nitkabel bi-Keri ‘ot Za ‘am*,” *Yedioth Ahronoth*, December 29, 1983.

¹⁵⁹ Nitzanim Archives, Military Assistant to IDF Chief Education Officer to Yiagal Ben-Natan, December 29, 1983.

¹⁶⁰ IDFA 31-928/2005, 1.

was to expose the truth about what happened in Nitzanim and to educate IDF soldiers.¹⁶¹ Not surprisingly, one of the members of the kibbutz sarcastically thanked Achimeir for the piece that he had aired, and especially for the chain reaction it caused.¹⁶²

The catharsis was short lived. Before too long, the case was reopened, as reported in the popular daily newspaper *Yediot Ahronoth*. The catalyst was the book by Tzvika Dror.¹⁶³ One of the readers who lost his sister in the battle of Nitzanim demanded that the government establish an additional commission of inquiry to examine the circumstance of the fall of the kibbutz. In a consultation held by the Deputy Defense Minister, former IDF Chief Gen. (Res.) Mordechai (Mota) Gur, with Yitzhak Pundak, the latter did not recommend another committee.¹⁶⁴ “It would appear to me” he wrote to Gur, “that a renewed inquiry of this unfortunate event will not bring any additional discoveries to what we already know and will not contribute anything. A renewed investigation will reawaken feuds and injuries that have, to a certain extent, already healed with the passage of time; we should, in my opinion, let bygones be bygones.” And yet, Pundak himself did not leave the dead alone and continued to work tirelessly to remove the stain against the kibbutz even in later years.

Epilogue

This chapter reconstructs a decades-long struggle over the place of Kibbutz Nitzanim in Israel’s historical memory and the mythologizing of the kibbutz. The first phase in that process were the demands of the kibbutz’s members to establish a military commission of inquiry. Officially, the

¹⁶¹ Ibid, 13. One should add that following an earlier request Nitzanim made in August 1983 to the IDF, the name of the kibbutz was added to the presentation of the IDF Museum. See the letter by Y. Shahaf, The Director of the IDF Museum to Yiagal Ben-Natan, August 4, 1983.

¹⁶² Nitzanim, *Dapei Nitzanim*, January 1984, 17 and compare to Reznik, *Budding from the Ashes*, 200.

¹⁶³ Shlomo Nadkimon, “*Hithadesh ha-Kerav ‘al Nitzanim*,” *Yediot Ahronoth* (Musaf ha-‘Atsma’ut) May 3, 1995.

¹⁶⁴ Nitzanim Archives, Yitzhak Pundak to (Mordechai) Mota Gur, December 7, 1993, and Joseph Doriel to Mordechai Gur, April 5, 1995.

Burstein Committee was charged with clarifying the circumstances that led to the destruction of the kibbutz, and to author an official narrative about the battle of June 7, 1948. In practice, members of Nitzanim expected the Commission not just to write the history of the battle, but to function as an agent of memory, revising the image of the kibbutz in Israeli historical memory. The Burstein Committee, which was established in 1949, indeed reached the conclusion that the Givati Brigade and the combat leaflet by Abba Kovner was unjust to Nitzanim. Retrospectively, this was the first step in a prolonged and systematic fight over the reputation of the kibbutz in the national collective memory.

Members of Nitzanim acknowledged in the late 1940s that commemoration and mythologization were not one-time projects accomplished only with a commission of inquiry. They considered these goals as work-in-progress, and began to mythologize their dead peers by a variety of commemorative ceremonies and historiographical means.¹⁶⁵ Put differently, the people of Nitzanim realized that the preliminary “exoneration” issued by the Burstein Committee, was a necessary but insufficient means in fully rehabilitating the reputation of Kibbutz Nitzanim.¹⁶⁶

Although the military establishment and high-ranking state officials publically acknowledged Nitzanim’s bravery quite a few times, the kibbutz was compelled to reclaim its honor over and over again. Furthermore, the closure and reopening of the affair time and time again, was one of the means that enabled Nitzanim to continue solidifying its reputable status in

¹⁶⁵ For more about commemorative ceremonies as a means to forge collective memory see Paul Connerton, *How Societies Remember* (Cambridge and New York 1989). For fascinating studies about public campaigns to forge American collective memory see Edward T. Linenthal, *Preserving Memory: The Struggle to Create America's Holocaust Museum* (New York 1995); John E. Bodnar, *Remaking America: Public Memory, Commemoration and Patriotism in the Twentieth Century* (Princeton, N.J. 1993).

¹⁶⁶ I put the noun “exoneration” in scare quotes here, because, unlike the courts, which reach a verdict regarding the guilt or innocence of a defendant, commissions of inquiry are not expected to come to terms with anyone who might have failed in fulfilling his or her duty, rather to uncover the truth. Put another way, while the Burstein Committee indeed rehabilitated the tarnished reputation of Nitzanim, the kibbutz was never officially charged with any wrongdoing. Accordingly, it was not exonerated in the standard legal sense of the term.

the history of the war. This was not just a cynical technique, since members of Nitzanim lived in the shadow of the 1948 trauma for decades. Nevertheless, in attempting to erase the combat leaflet from the history of the kibbutz, the expectations of Nitzanim were unrealistic.

The publication of the combat leaflet in June 1948 made it integral to the wartime history of the kibbutz. No commission of inquiry could alter this fact. The question is therefore not whether one should read the leaflet or not, but rather how it should be read as a historical document. Similarly, the questions about whether the publication of the leaflet in the immediate wake of the battle was necessary, and whether Abba Kovner should have phrased it in the way he did, are ethical questions that exceed the scope of this chapter. What is certain about the combat leaflet is that this historical document opens a window to the mentality of the budding Israeli society, or at least to the way in which Israelis imagined themselves in 1948. In the background of the leaflet's publication stand Zionist values such as the farmer-fighter ethos and the myth of Tel-Hai, as well as operational considerations that guided Shimon Avidan, the commander of the Givati Brigade, during one of the most challenging phases of the war. By presenting the members of Nitzanim as a small minority that broke the social code of the Yishuv and the Zionist movement, Kovner pointed to the line between normative behavior of non-combatants under fire, and what was presented as non-normative behavior. Any reading of the leaflet that ignores these factors and dismisses it as purely immoral document would take it out of context.

In the next chapter, I turn my focus to two kibbutzim whose experiences mirrored that of Nitzanim. The two—Masada and Sha'ar ha-Golan—were also destroyed by enemy forces during the 1948 War. Like Nitzanim, they were publically condemned for turning their backs on fundamental Zionist values and were “exonerated” by military and kibbutz inquiries. Unlike Nitzanim, however, which used the inquiry into its battle to alter how it was perceived in the

history of the war, Masada and Sha'ar ha-Golan reacted totally differently to their haunting past, and did not use their inquiries to mythologize themselves. As a result, they lost the potential to capitalize on the inquiries as agents of historical memory. A comparison between the case of Masada and Sha'ar ha-Golan, on the one hand, and the story of Nitzanim, on the other hand, therefore illuminates two different ways to cope with a trauma and use the work of commissions of inquiry for the sake of memory formation.

Appendix A – The Combat Leaflet of June 9, 1948

The Southern Front,

The Givati Brigade, Combat Headquarter

Nitzanim fell.

The reliable report [about the battle] is still not available [to us]. The details that would allow us to summarize the battle, let alone to accurately assess the actions of the men of Nitzanim, are simply unavailable. Therefore, we shall *not accuse** but rather say what needs to be said in face of potential hazards that may occur in the coming days, in the coming hour. And even if saying it will be blunt and cruel, it must be said now, before we face future dangers. *The fall of Nitzanim – is a failure.* A severe failure. And the failure does not lie in the fall of the settlement. Nitzanim is not the first [Jewish] settlement that fell into enemy hands [during the war]. For we stood few against many, for we were insufficiently armed in front of properly armed [soldiers]. For we were civilian-defenders [who stood] against a standing army of intruders . . . But in the future we shall prove superior. And the time is close. Very close. But until it happens, until then, we shall not stop hitting the enemy—so it will not exterminate us first—with a mighty hand, with much wisdom, because of the lack of an alternative, through the might of self-sacrifice, with the supreme force of the Hebrew defender . . . And even if the enemy *temporarily* overcame a besieged little settlement—it paid for that with hundreds of lives. *For every stone of us, it paid with its blood.* And it was forced to think and *calculate* the price of its “victories”. . . In Nitzanim the enemy might have learned, for the first time—something severe and surprising—that it could break

* Emphasis in the original. My translation.

the defense wall of the Hebrew Yishuv within a few hours, *to force it to surrender, and imprison its fighters. . .*

Fighters of the southern front, soldiers of the brigade, defenders of the settlements! Nitzanim's surrender—it is a time of much agony and of a deep and profound self-examination—and a *total* self-examination means this: *home* – one does not protect [it] conditionally. *Defense* – means: *to prepare* the defense. To prepare: *with all of one's mental and physical forces! . . . It is better to perish in the ruins of the house than to surrender to a murderous intruder.* To surrender—as long as the body is alive and the last bullet breathes in the magazine—it is a disgrace! To go to the intruder's prison – disgrace and death! Only to fight, to fight and fight on! By all means, under all circumstances, unconditionally—*for we shall prevail, and the victory is close.*

LIVING IN THE SHADOW OF SHAME: MASADA AND SHA'AR HA-GOLAN

Introduction

The dining room of kibbutz Sha'ar ha-Golan was full of people on the night of June 8, 2001. The extreme heat of the Jordan Valley in the early summer added to the tense environment. It was, after all, the first public discussion ever held in the kibbutz about the events that took place in Sha'ar ha-Golan and the nearby kibbutz of Masada during the 1948 War. The Syrian assault on the Jordan Valley, in general, and the two settlements, in particular, began just a few hours after the inception of the State of Israel on May 14, 1948. The attack reached its zenith four days later, when the settlers of Sha'ar ha-Golan and Masada acknowledged virtual defeat.¹⁶⁷ The ongoing bombardment from the air and ground forced them to make the difficult decision—reached without the approval of the military authorities—that they had no alternative but to desert their settlements. Originally, they planned to withdraw temporarily to recuperate and rearm. But the plan was only partly realized. By the time the settlers returned to their kibbutzim on the night of May 18 and early in the morning of May 19, the enemy had taken over the area. Supported by local Palestinian Arabs, the Syrian army overran Masada and Sha'ar ha-Golan, which were reduced to rubble within hours. It took until May 23 for the Israeli forces to recapture the kibbutzim, which marked the beginning of a prolonged reconstruction process requiring months of intense work. Yet, the renovation of the physical ruins was just a small part of a much more complicated process that obliged kibbutz members to respond to the severe blow to their reputations delivered not by the enemy, but by other Israelis.

¹⁶⁷ The most comprehensive study regarding the battle over Masada and Sha'ar ha-Golan was written by Assaf Agin, “*Netisha – Parashat ‘Amidatam u-Nefilatam shel Sha’ar ha-Golan u-Masada be-Milhemet ha-‘Atsma’ut – Mai 1948*,” Dani Harrari (ed.), *Homat Magen: Shemonim Shanah le-Irgun ha-Haganah: ‘AleI Zayit va-Herev 4* (Tel-Aviv, The Ministry of Defense Press, The Center for Defense Studies, 2002), 205-261.

As in the case discussed in the previous chapter about kibbutz Nitzanim, the people of Masada and Sha'ar ha-Golan were harshly condemned for their actions and non-actions during the war. Similarly to the inhabitants of Nitzanim, they were portrayed as cowards and traitors after enemy forces demolished their settlements during the 1948 War. Furthermore, just as Nitzanim was “exonerated” by the Burstein Committee, Masada and Sha'ar ha-Golan were also vindicated by a military inquiry [the Shaltiel Committee¹⁶⁸], which concluded that members of the two kibbutzim deserve to carry themselves “with their heads held up high.” In fact, two kibbutz inquiries by Gordonia and Ha-Shomer Ha-Tsa'ir—the kibbutz movements with which Masada and Sha'ar ha-Golan were respectively affiliated—reached similar conclusions. Unlike Nitzanim, which publicized the work of the Burstein Committee in its effort to elevate the kibbutz as a symbol of heroism, Masada and Sha'ar ha-Golan only began to leverage the work of their commissions of inquiry toward the end of the 20th century. For almost half a century, the two kibbutzim did not demand that their tarnished reputations be rehabilitated, either for external bodies, such as the Israeli defense establishment, or for the kibbutzim themselves. Their attempt to claim their honor more than half a century after the war was far too late in the context of the 1948 War, and too little in the commemoration and mythologization processes. As a result, there was no substantial change of their status in the history of the war.

This chapter reconstructs the way in which members of Masada and Sha'ar ha-Golan coped with the trauma of the 1948 War over a period of about sixty years. The main argument is that the passive approach by concerned parties in the aftermath of an inquiry resulted in the loss of that commission's potential to act as an effective agent of historical memory. This is especially evident

¹⁶⁸ The Israeli Defense Forces and Defense Establishment Archives (hereafter: IDFA) 176-121/1950, David Shaltiel, “*Mikre ha- 'Azivah shel Sha'ar ha-Golan u-Masada*,” November 17, 1948 (hereafter: the Shaltiel Report).

when examined in juxtaposition to kibbutz Nitzanim. As shown in the previous chapter, members of that kibbutze shaped an enduring memory by mobilizing the work of a commission of inquiry.

This chapter begins with the public condemnation of Masada and Sha'ar ha-Golan in the immediate wake of their destruction. The first section addresses the trauma of the 1948 War, the two kibbutzims' unwillingness or inability to cope with it until the early 2000s, and the more widely shared opinion that, despite their findings, the Shaltiel Committee and the kibbutz inquiries did not reverse the negative view that has dogged Masada and Sha'ar ha-Golan since the establishment of the state of Israel. The second section elaborates on the struggle to set up the inquiries and discusses their findings, conclusions, and recommendations. The third section focuses on the decision of the military establishment to censor the Shaltiel Report, which marked the beginning of a stalemate in the public fight over the reputation of Masada and Sha'ar ha-Golan that lasted for decades. The fourth and final section of the chapter assesses the passive approach of the two kibbutzim as they failed to confront their past for over half a century.

As in the case of Nitzanim, this chapter does not seek to criticize the actions of people who have lived with the trauma of the 1948 War for a long time. Furthermore, the chapter accepts the scholarly assertion that the people of Masada and Sha'ar ha-Golan fought to the best of their limited ability to defend their settlements during the war. That having been said, the chapter does suggest that in comparison to their behavior on the battlefield—a topic addressed here for the sole purpose of providing context—the members of Masada and Sha'ar ha-Golan were far less active in the fight over their historical reputation. In the simplest of terms, they did not use the potential of the Shaltiel and kibbutz inquiries to shape a lasting historical memory.

Stigma

The daily press, which covered the fighting in the Jordan Valley, paid scant attention to the battles in Sha'ar ha-Golan and Masada. As a result, the rumor regarding an Israeli surrender reached the public by other means, including the Palmach Bulletin (*'Alon ha-Palmach*), which condemned Sha'ar ha-Golan and Masada as early as May 31, 1948.¹⁶⁹ The most prestigious arm of the Israeli fighting forces left no room for doubt. More than just a military failure, the abandonment of Masada and Sha'ar ha-Golan was a moral one. The Palmach Bulletin minced no words in a piece titled "Failure":

Among the heroic actions of the defenders of the Jordan Valley . . . one should not ignore an incredibly severe failure. The defenders of Sha'ar ha-Golan and Masada—in a moment of weakness and bewilderment—needlessly abandoned their posts. Not only were these two settlements . . . deserted—[their abandonment also] exposed the entire front, and a gate was opened wide for the enemy. Was there a justification for this behavior? One should say this with all severity and absolute openness: No! The men of Masada and Sha'ar ha-Golan did not retreat during battle but rather abandoned the campaign. Those who were entrusted with the gate to the Golan [Heights] should have stood by the gate; those who had carried the name of Masada were not loyal to the symbol of freedom engraved on their banner.¹⁷⁰

¹⁶⁹ For details about the Palmach see note 88 above.

¹⁷⁰ *'Alon ha-Palmach* (63), May 31, 1948, 4. The identity of the author of the piece—the former Palmach member and novelist Nathan Shaham—was fully clarified only in 2001. While the secretariat of Sha'ar ha-Golan demanded to clarify the matter with Shaham already in 1948, the latter refused to take part in the process (See the Sha'ar ha-Golan Archives [hereafter: SHGA], correspondence between Sha'ar ha-Golan and the National Kibbutz Movement, June 21, 1948 and July 25, 1948). According to Shaham, he wrote the piece following a direct order of Palmach Chief Yigal Alon. See Tom Segev, "*Ha-Birur*," *Haaretz*, May 25, 2000, and the letter by Shaham to *Haaretz*, "*Mi Hiber u-mi Katav*," *Haaretz*, June 1, 2001.

According to this harsh condemnation, members of Masada and Sha'ar ha-Golan had abandoned their houses, jeopardized the entire Israeli defense line in the Jordan Valley, and failed to live up to their legendary names. The two kibbutzim had been set up in 1937 as “Stock and Watchtower” settlements, that is, as Jewish localities whose existence in rural areas served strategic goals within the Zionist movement.¹⁷¹ Sha'ar ha-Golan, literally “Gate to the Golan,” is located on the slopes of the Golan Heights, just a few miles south of the Lake of Galilee and very close to the border between Israel, Syria, and Jordan. Any enemy trying to invade Israel from the north or the east would have to either go through or around it. Likewise, Kibbutz Masada, which sits right next to Sha'ar ha-Golan, is named after the ancient fortress of Masada, which was a symbol of Jewish sacrifice and heroism for the Yishuv and nascent Israeli society.¹⁷² The harsh condemnation of Kibbutz Masada and Sha'ar ha-Golan exposed, then, the gap between the goals and values that the two kibbutzim were built upon and the actual ability of their members to adhere to them. As sociologist Oz Almog points out, the message broadcast by the Palmach Bulletin

¹⁷¹ “Stock and watchtower settlements” was the name given to fifty-two Jewish settlements that were set up between December 1936 and October 1939 as part of a program of the *Haganah* to expand the territory of a prospective Jewish state. Each of the settlements was established under cover of night and included a watchtower surrounded by a fence. Their combined contribution to the Yishuv—the pre-state Jewish community in Palestine—was basically tripartite. Strategically, kibbutzim in general and stock and watchtower settlements in particular, were part of the Jewish settlement map of Palestine. Economically, they supported the Yishuv by manufacturing agricultural goods. And militarily, they provided the Yishuv full and part-time fighters who were affiliated with different paramilitary organizations. For further details regarding the strategic role rural settlements played during the Yishuv period, see Assnat Shiran, *Stronghold Settlements* (Savyon 1998) and Ilan Troen, “The Village as a military Outpost,” *Imagining Zion: Dreams, Designs, and Realities in a Century of Jewish Settlement* (New Haven 2003), 62-81. For more about stock and watchtower settlements, see Mordechai Naor (ed.), *Yeme Homah u-Migdal, 1936-1939: Mekorot, Sikumim, Parshiyot Nivharot ve-Homer 'Ezer* (Jerusalem 1987), and Mordechai Naor and Dan Giladi, *Eretz Israel in the 20th Century: From Yishuv to Statehood, 1900-1950* (Tel-Aviv 1990), 303.

¹⁷² Built by King Herod (37-4BCE) in the Judaea Desert, the fortress of Masada was the last place of refuge for hundreds of Jewish rebels who escaped the Roman army during the “Great Revolt” of 66-73CE. Loyal to the idea of dying for freedom, the 960 Jews preferred to commit collective suicide rather than fall into enemy hands. The story of Masada therefore included contradictory features. While the rebels avoided clashing with the enemy and in fact broke Jewish law by taking their own lives, they Yishuv viewed them as a heroic symbol of Jewish resistance for all intents and purposes. Regarding the myth of Masada, see Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (Chicago 1995) especially chapters 5 and 11; Nachman Ben-Yehuda, *Sacrificing Truth: Archaeology and the Myth of Masada* (Amherst, N.Y., 2002), and Anita Shapira, *Land and Power: The Zionist Resort to Force, 1881-1948* (Stanford 1992), 23, 310-311, 314-318, 336. In 2001, Masada was declared a UNESCO World Heritage Site. See: <http://whc.unesco.org/en/list/1040>.

reached wide audiences in and beyond the kibbutz movement. The newsletter was circulated in hundreds of copies, and was, to a great extent, “the voice of the Sabra generation and a model for other periodicals for youth and the army.”¹⁷³

A further example that echoes the Palmach Bulletin can be seen in the play, *In the Negev Plains* (*Be-‘Arvot ha-Negev*), produced in early 1949 by the Habimah Theater.¹⁷⁴ As was true of the column “Failure,” this play was written by a Palmach veteran who served during the 1948 War as an IDF information and culture officer (“*Politrak*). Similar to the Palmach Bulletin, the column attracted the attention of thousands of Israelis across the country.¹⁷⁵ The play tells the story of a fictional kibbutz called *Bik`at Yo`av* (Yoav Valley), which corresponds with the image of Kibbutz Negba, the same kibbutz that was established in the northern Negev in 1939 and that, by 1948, was a symbol of Israeli endurance and heroism thanks to its ability to survive ongoing Egyptian attacks.¹⁷⁶ By dramatizing the events in the fictional *Bik`at Yo`av*, the play addressed a central dilemma faced by so many during the war. The play’s characters debate whether non-combatants should be allowed to evacuate their besieged settlements or whether they should actively participate in defending their homes, even at the risk of their lives. This was the situation faced by residents of Masada and Sha`ar ha-Golan, a fact that the play explicitly mentioned.

Reference to the two kibbutzim comes during a conversation between the General-Secretary of *Bik`at Yo`av* and one of the locals, who believed the kibbutz’s leader (*Mazkir ha-Kibbutz*) was on the verge of ordering everyone to leave the kibbutz while it was under heavy

¹⁷³ Oz Almog, *The Sabra: The Creation of the New Jew* (Berkeley 2000), 35.

¹⁷⁴ Yigal Mosinsson, *Be-‘Arvot ha-Negev: Mahazeh be-Shalosh Ma`arakhot* (Tel-Aviv 1949). Further details about the *Habimah* production are available at the theater’s website: http://www.habima.co.il/show_item.asp?itemId=1298&levelId=64313 (last visited on May 26, 2014).

¹⁷⁵ See, for example, the piece “*Be-‘Arvot ha-Negev Me`orer Viku`akh*,” *Maariv*, February 20, 1949, 3.

¹⁷⁶ About Negba in the 1948 War see Avraham Ayalon, *The Givati Brigade Facing the Egyptian Intruder* (Tel-Aviv 1963), 54-77 and Benny Morris, *1948: A History of the First Arab-Israeli War* (Tel-Aviv 2010), 303-305.

Egyptian attack. The kibbutznik urged the General Secretary not to make this decision: “Look into my eyes, straight into my eyes,” he told him, “since you know that if we lose *Bik`at Yo`av* —we will lose the war. We, members of the kibbutz, we will lose the war. Remember [*Zakhor et*] Sha`ar ha-Golan and Masada.”¹⁷⁷

Phrased in the form of the biblical command to remember, the message behind these words is sharp and clear.¹⁷⁸ It condemns the decision to abandon Masada and Sha`ar ha-Golan as an act that jeopardized the entire Israeli war effort. Ultimately, the General-Secretary of *Bik`at Yo`av*, symbolically named Abraham, vehemently rejects the idea of abandoning the kibbutz. Indeed, he goes even further by insisting upon sacrificing his son, Dan, by assigning him to an extremely risky mission, which he does not survive.¹⁷⁹ Here is an additional biblical analogy, juxtaposing the case of *Bik`at Yo`av* to the binding of Isaac (Genesis, 22: 1-19), when the patriarch, Abraham, heeds God’s command to sacrifice his beloved son, Isaac. In the Bible, Isaac is spared, but the play carries out the sacrifice, thus ratcheting up the stakes. Even the son’s name, Dan, corresponds in the Bible to heroism and courage (Genesis 49:17; Deuteronomy 33:22; Judges 13-16), thus signifying how courage was needed to shore up the defense of the fledgling nation. The play *In the Negev Plains* therefore presents the evacuation of the kibbutz as a supreme test of loyalty that touched on the relationship between the settlers to their homeland, a relationship that was mythologized in the Yishuv as both romantic and sacred.¹⁸⁰

¹⁷⁷ Mosinson, *In the Negev Plains*, 55.

¹⁷⁸ On the biblical and rabbinic foundations of the Jewish commanding to remember—*Zakhor*—See the first lecture in the landmark book *Zakhor: Jewish History and Jewish Memory* by Yosef Hayim Yerushalmi (Seattle and London 1989), 5-26.

¹⁷⁹ Mosinson, *In the Negev Plains*, 77, 96, 103 and 106.

¹⁸⁰ See Boaz Neumann, *Land and Desire in Early Zionism* (Waltham, Mass., 2011) and compare to the critical view by Shlomo Zand, *The Invention of the Land of Israel* (London, Brooklyn, NY 2012).

The members of Masada and Sha'ar ha-Golan were extremely hurt by the way playwright Yigael Mosinsson and the national theater presented them. The March 1949 edition of the Sha'ar ha-Golan Bulletin (*Be-Sha'ar Ha-Golan*), which circulated among the kibbutz members when they were still living away from the ruined kibbutz, records the following: "The sentence by Mosinsson hurt us like an arrow that cannot be turned back. His "Remember Sha'ar ha-Golan" rubbed salt on a wound that has not yet healed." Agitated kibbutz members agreed and argued that "one should put an end to the defamation once and for all."¹⁸¹ Representatives of Sha'ar ha-Golan made contact with Mosinsson, who apologized to them and agreed to remove the sentence from the play. It is, therefore, surprising that a 1989 publication of the script includes the controversial line.¹⁸² This may explain, however, at least partly, why the event held in the dining room of Sha'ar ha-Golan in June 2001 was titled "Removing the Mark of Cain." The sense of insult dogged the kibbutz from the late 1940s to the early 2000s. This, at least, was the subjective feeling of its members.

The event "Removing the Mark of Cain" opened with a speech by kibbutz member Ziva Dror, who was born in Sha'ar ha-Golan in the mid-1930s. In her speech, Dror addressed the locals, including members of Masada and other Jordan Valley kibbutzim, with the following words: "This is the first time that we will discuss the topic [i.e., the circumstances that led to the temporary desertion of the kibbutz] publically and among ourselves . . . On behalf of the second generation of the kibbutz, I address you—the founders who [still] live with us: raise up your heads. You did the best you could."¹⁸³ These words correspond with concerns that the same founders raised more than fifty years earlier regarding Dror and her generation. An article published in the *Sha'ar ha-Golan Bulletin* on March 25, 1949, titled "In the Ears of the Second Generation," raised grave

¹⁸¹ SHGA, "Be-Oznei ha-Dor Hasheni," *Be-Sha'ar ha-Golan*, March 25, 1949.

¹⁸² Yigal Mossinson, *Be-'Arvot ha-Negev* (Israel 1989), 44.

¹⁸³ SHGA, *Removing the Mark of Cain*, June 8, 2001.

concerns that the incident that resulted from the evacuation of the kibbutz would haunt the local children in the spirit of the biblical verse: “The fathers have eaten sour grapes, and the children’s teeth are set on edge” (Ezekiel 18:2, Jeremiah 31:28). “Could we hope,” wrote the anonymous author, “that future generations will not look at us in a hostile and one-sided way?”¹⁸⁴ The answer given was a definite yes. The event held in Sha’ar ha-Golan in June 2001, on the other hand, implies that at least from the subjective point of the locals, this prophecy was not necessarily realized. Moreover, the sense of being singled out has remained strong in the kibbutz, although the Shaltiel Committee concluded in 1949 that members of both Masada and Sha’ar ha-Golan had indeed “committed a severe felony—evacuation of a post without permission.” That said, the Committee added that under the grave circumstances that prevailed in the area during the battle, and in light of the way the locals behaved after their desertion, they deserved “to walk uprightly, self-assured that they will meet future challenges, and that they have the [moral] right to [continue] living respectfully in their current place.”¹⁸⁵ As historian Meir Pa’il put it during the “Removing the Mark of Cain” event, the conclusion of this inquiry was not strong enough to clear the names of Masada and Sha’ar ha-Golan. Pa’il posited that the members’ continued feelings of guilt about the 1948 War testified to their high moral level, and that the kibbutzim were destroyed not because of inappropriate behavior on the part of their inhabitants, but rather because the IDF regional command neglected the two kibbutzim by concentrating Israeli forces behind the lines of Masada and Sha’ar ha-Golan. In other words, the regional command cast the two kibbutzim in an impossible position by not providing them with enough protection, and by not informing them about the Israeli defense alignment as the battle in the area was still taking place.¹⁸⁶

¹⁸⁴ SHGA, *Be-Sha’ar ha-Golan*, March 25, 1949.

¹⁸⁵ The Shaltiel Report, 6-7.

¹⁸⁶ SHGA, *Be-Sha’ar ha-Golan* 64:16, June 21, 2001, 5.

Giving further expression to the feeling of shame with which Sha'ar ha-Golan had been living, the May 2001 editorial of the regional newspaper of the Jordan Valley noted: “[T]here is unfinished business with the elders of Sha'ar ha-Golan, Masada and their dependents . . . One should clarify the matter once and for all and publicly take this shame away. In Sha'ar ha-Golan and Masada there are still people who are unjustly tormented by feelings of helplessness and guilt which are carried on . . . even in the second generation.”¹⁸⁷ In an article published in the same volume, Ziva Dror added the following words: “Today I resolve [the 1948 War affair] and this is most likely not accidental. Three years ago I began to work at the Archive [of Sha'ar ha-Golan]. I vigorously read all the [available] sources regarding the war in our kibbutz . . . This also includes the “Shaltiel Report”—the same miserable report that was supposed to remove the shame from our name . . . but left the people [i.e., the locals] with a mark of Cain on their forehead.”¹⁸⁸ We see here that the Shaltiel Report has been viewed, then, not just as an ineffective means in bringing the affair to an end, but rather as part of an ongoing problem that still needs to be resolved.

¹⁸⁷ Mira Nidbakh, “Esek lo Patur,” *Ba-Emek u-Varamah* 83 (May 2001), 2.

¹⁸⁸ Ziva Dror, “Mi Natash Rishon? Ha-im Mosdot ha-Tsava veba-Gush o Sha'ar ha-Golan ve-Masada?,” *Ba-Emek u-Varamah* 83 (May 2001), 26.



Figure 1 - "Stock and Watchtower Settlement:" The Establishment of Sha'ar ha-Golan, March 21, 1937. In the background – the Golan Heights (Photographer: Kluger Zoltan)



Figure 2 - Sha'ar ha-Golan, 1942



Figure 3 - Kibbutz member, Tirtsah Bergel, visits in Sha'ar ha-Golan after the battle (June 1948).



Figure 4 - June 2001: Invitation for the "Removing the Mark of Cain" event.
Photos are courtesy of the Government Press Office and the Sha'ar ha-Golan Archives

The previous chapter about Nitzanim dealt extensively with the conditions that led to the condemnation of the kibbutz in 1948. It also elaborated on the reaction of the members of Nitzanim to their harsh treatment. The same forces are at work in the context of Masada and Sha'ar ha-

Golan: the condemnation and insult that followed them throughout the second half of the 20th century grew out of the same Zionist worldview that deeply affected Nitzanim, that is, from adherence to Zionist beliefs such as the myths of Tel-Hai and Masada, and the ethos of the farmer-fighter. It was in that context that the condemnation expressed in the Palmach bulletin and the play *In the Negev Plains* presented the members of Masada and Sha'ar ha-Golan as having consciously and deliberately broken the moral code of the Yishuv. The settlers, on the other hand, demanded an investigation to prove the converse. They insisted that they were always integral to Israeli society and were steadfastly committed to its moral code. The attempt to exclude them from the Israeli mainstream, on the one hand, and their counter attempt, on the other, is therefore a microhistory that offers an insight into the mentality of a budding Israeli society. Put differently, the outlying cases of Masada, Sha'ar ha-Golan, and Nitzanim, all of which were condemned for breaking the code of Israeli conduct during a time of war, shed light on the way the Israeli Jewish majority sought to imagine itself.

The following section will show that the final conclusions of the inquiries into the battle over the Masada and Sha'ar ha-Golan were, in fact, an acknowledgment of the gap between a Zionist worldview that cast ordinary citizens in the position of combat soldiers, on the one hand, and the actual ability of non-combatants to rise to standards set for them during the 1948 War, on the other.

First Inquiries

The members of Sha'ar ha-Golan wasted no time. On May 20, 1948, only two days after they had left the kibbutz and three days before it was recaptured by the IDF, they demanded an investigation

into the particulars of the battle.¹⁸⁹ More specifically, they addressed the commander of the Golani Brigade, Moshe (Montag) Mann, whose forces were deployed in the Jordan Valley, and who remained the supreme military authority in the region even after May 18, when Moshe Dayan was appointed to command the forces in the area.¹⁹⁰

Interestingly, preceding the publication of the Palmach Bulletin of May 31, members of Sha'ar ha-Golan expressed their fear of public condemnation and their desire that an official clarification of the battle be publicized as soon as possible. In other words, the kibbutz's demand for the investigation was, to a great extent, preventive. The sense of urgency felt by kibbutz members is evident from a confidential letter written by Shamir Bonim, General-Secretary of Sha'ar ha-Golan, dated May 21st: "Not only has our house been demolished, gone with the wind, but there will be an attempt to malign [us] and make us the scapegoat for all the culpable neglect of the defense organizations in the Jordan Valley. Even if I do not fully justify our behavior on that fatal night, there is no doubt [in my mind] that the main fault falls on the shoulders of the regional command. . . We [currently] stand before a difficult public campaign, and as long as this clarification will not take place [i.e., an inquiry], we will be paralyzed and cannot even plan the reconstruction [of Sha'ar ha-Golan]."¹⁹¹ In his letter, Bonim stressed that in a meeting he had already held with Ya'akov Hazan and Meir Ya'ari, i.e. the leaders of Ha-Shomer Hatzar with

¹⁸⁹ IDFA 176-121/1950, Sha'ar ha-Golan to the Ministry of Defense, September 25, 1948.

¹⁹⁰ See Moshe Dayan, *Moshe Dayan, Story of My Life* (Tel-Aviv 1976), 58-61 and compare to Shabtai Tevet, *Moshe Dayan: Biyografiyah* (Jerusalem 1973), 256-264 and Mordechai Bar-On, *Moshe Dayan: A Biography 1915-1981* (Tel-Aviv 2014), 62-63; Dayan's appointment as a commander in the Jordan Valley as the fighting was still taking place obviously diminished Mann's military authority. Accordingly, his appointment can be viewed as a quasi-impeachment. In a letter sent to Mann a few months after the battle ended, on August 20, 1948, Ben-Gurion apologized for Mann's apparent diminished position. He also emphasized that Dayan's appointment was the result of 'objective considerations of that time'. Mann was called, then, to continue commanding IDF forces after the 1948 War (IDFA 183-121/1950).

¹⁹¹ Bonim's letter was reprinted in a booklet Sha'ar ha-Golan published in his memory in 1998. See SHGA, *Bonim* (1998), 36.

which Sha'ar ha-Golan was affiliated, the two men were extremely friendly and focused on the reconstruction of the kibbutz.

It appears, therefore, that even in the period that preceded the first lull in the war, the position of the Zionist leadership concerning the question of evacuation of civilians under fire was not limited to the Tel Hai order.¹⁹² Until that time, the only Zionist body that dealt with the issue in depth was Ha-Kibbutz Ha-Me'uhad (the United Kibbutz Movement), headed by Yitzhak Tabenkin, who, in fact, was against evacuation of civilians and children for fear of demoralization.¹⁹³ Ha-Kibbutz Ha-Artzi, on the other hand, displayed a much more forgiving approach. Similarly to Tabenkin, Meir Ya'ari's principled position was against evacuation of settlements and in favor of a fight "until the last man." However, as his biographer Aviva Halamish notes, from the moment the deed was done and two of the Ha-Shomer Hatsa'ir kibbutzim had been abandoned, that is, Yad Mordechai and Sha'ar ha-Golan, the prevailing tone adopted by Ya'ari on the issue of evacuation of civilians under fire became sympathetic.¹⁹⁴ While Tabenkin strongly criticized Sha'ar ha-Golan, Ya'ari argued that the group was "innocent before any tribunal," and its members—whom he defined as a "bone from our bones"—were entitled to moral and material support. His words were a far cry from his earlier criticism of the kibbutz, when he claimed it had disobeyed a direct order of the military command. According to the order, the locals were supposed to leave fifty combatants in Sha'ar ha-Golan. An even greater understanding of the hardship placed

¹⁹² For references and discussion about the Tel-Hai order see note 93 above.

¹⁹³ Unlike Ha-Kibbutz Ha-Artzi, which was politically affiliated with Mapam, the Kibbutz ha-Meuhad was politically closer to Mapai (The Workers' Party of the Land of Israel) and Ahdut ha-'Avodah. Regarding Tabenkin's stance toward evacuation of non-belligerents see Baruch Kannari, *Tabenkin in Eretz-Israel* (Ramat-Efal and Sede Boqer Campus 2003), 610-611; Tal David, "The Evacuation of Non-Belligerents from the Border Areas in the Israeli War of Independence," *Israel* 4 (2003), 65-66 and Nurit Cohen-Levinovsky, "Evacuation of Non-Belligerents: A Comparative Study of Three kibbutzim" in Mordechai Bar-On and Meir Chazan (eds.), *Citizens at War: Studies on the Civilian Society during the Israeli War of Independence* (Jerusalem 2006), 275.

¹⁹⁴ Aviva Halamish, *Meir Yaari. The Rebbe from Merhavia: The State Years* (Tel-Aviv 2013), 23-24.

on the kibbutzim was shown by another leader of Ha-Shomer ha-Tsa'ir, Ya'acov Hazan, from Kibbutz Mishmar Ha'emek, who in April 1948 took an active part in the evacuation of 160 members of his kibbutz during an attack by the Arab Liberation Army led by Fawzi al-Qawugji.¹⁹⁵

The decision of the people of Sha'ar ha-Golan to abandon the kibbutz contradicted, then, the order of Tel Hai but not necessarily the position of the Ha-Shomer Ha-Tsa'ir. Here it is important to qualify the point by noting that the Ha-Kibbutz Ha-Artsi did not fully back the people of Sha'ar ha-Golan before looking into the matter. On the contrary, in a letter written by Bonim on May 22, he stated that the secretariat of Ha-Kibbutz Ha-Artsi decided to form an internal committee to investigate the circumstances of the abandonment of the kibbutz.¹⁹⁶ The public campaign Bonim was concerned about related, then, to groups outside the kibbutz movement, as well as to circles within Ha-Shomer Ha-Tsa'ir that decided of their own initiative to take up the matter.

The Inquiry of the Ha-Kibbutz Ha-Artsi Movement and Ha-Shomer Ha-Tsa'ir

The decision to establish a committee to investigate the events of the desertion of Sha'ar ha-Golan was taken by the secretariat of the Acting Committee of Ha-Kibbutz ha-Artsi and Ha-Shomer Ha-Tsa'ir.¹⁹⁷ To this end, it appointed three members who were asked to visit the kibbutz and collect testimony from those who took part in the events. The three completed their task on June 2, 1948,

¹⁹⁵ Zeev Tzahor, *Hazan—Tenu'at Hayim: Ha-Shomer Ha-Tsa'ir, ha-Kibbutz ha-'Artsi, Mapam* (Jerusalem and Givat Chavivah 1997), 184. More about the battle in Kibbutz Mishmar ha-Emek see in Amiram Ezov, *Mishmar Haemek Will Stand* (Or Yehuda 2013), 140-146.

¹⁹⁶ SHGA, *Bonim*, 39.

¹⁹⁷ Yad Tabenkin Archives—The Research and Documentation Center of the Kibbutz Movement (hereafter: YTA), 12-13/13b4, *Du'akh shel ha-Ve'adah le-virur Parashat Sha'ar ha-Golan*, June 14, 1948. The report was signed on June 2nd, 1948. The Secretariat of the Board of Actions (*Mazkirut ha-Va'ad ha-Po'el*) approved it on June 6. The clarification committee was manned by Baruch Lynn, Dov Ben-Sha'ul and R. Weintrobe.

by submitting a list of conclusions that reflected two divergent perspectives. First, the committee determined that the “members of Sha’ar ha-Golan failed by leaving the terrain without receiving an order to do so at a time when they were not directly under attack and had not suffered loss of life.” Second, the committee added a list of factors it thought should have been taken into consideration such as the geographical location of the kibbutz that made it hard to defend, the fact that Sha’ar ha-Golan was not properly equipped and fortified, and the claim that the preliminary evacuation of the non-combatant population hours before the kibbutz’s abandonment followed direct orders given by the regional commander. The committee added that “the members should be commended with their willingness to return [to Sha’ar ha-Golan] immediately [following its abandonment] and for the attempt to retake the settlement that was undertaken by them several hours later—without backup or a commander.” Another comment related to the decision taken on the evening of May 18 by Kibbutz Masada whose members apparently abandoned the area first. According to the committee, this action put Sha’ar ha-Golan at risk and, therefore, encouraged its people to leave. While this may well be the case, it is not at all clear to this day which of the two kibbutzim evacuated first.¹⁹⁸ In any event, the committee spoke in two voices, one condemning “the failure” and the other putting things in a broader context.

The report ended with a call to convey the findings to the entire Ha-Shomer Hatsa’ir movement, and to “back up the members of Sha’ar ha-Golan. . . within all the security establishments that were dealing in the case.”¹⁹⁹ This twofold approach guided the movement in the months that followed the publication of the report; a period during which it provided material

¹⁹⁸ Agin, *Netishah*, 245.

¹⁹⁹ YTA 12-13/13b4, *Du’akh shel ha-Ve’adah le-virur Parashat Sha’ar ha-Golan*, June 14, 1948.

and moral support to Sha'ar ha-Golan on the one hand, but continued to demonstrate a somewhat restrained attitude toward it on the other hand.²⁰⁰

The Inquiry by Gordonia

A request for an internal kibbutz investigation was also raised by Kibbutz Masada, which belonged to the Gordonia movement.²⁰¹ Similarly to the case of Sha'ar ha-Golan and Ha-Shomer Hatsa'ir, this settlement movement stood by and supported its kibbutz. An internal report published by the leadership of Gordonia on July 11, 1948, explained that the movement chose to look into the events at the kibbutz due to the “slander campaign against the group.”²⁰² The report does not deny that the falling of the kibbutz was a “serious failure.” It did, however, stress that in order to understand the wartime events one should not adopt a “simplistic approach aimed only at finding the person who was ‘guilty’ of the failure.”²⁰³ The heart of the issue rests on the question “to what extent can an agricultural settlement serve as a military post and when does the task exceed its capability?”²⁰⁴ Answering this question requires consideration of four factors that, when taken together, lead to the conclusion that the failure of the members of Masada was not a failure of values but, rather,

²⁰⁰ In this context one should also mention a report published by the world leadership of Ha-Shomer Ha-Tsa'ir (*Ha-Hanhagah ha-Elyonah shel ha-Histadrut ha-'Olamit shel Ha-Shomer ha-Tsa'ir*) on June 15, 1948. According to the report, Sha'ar ha-Golan was “destroyed” (as opposed to claims regarding abandonment or surrender of the kibbutz) due to general unreadiness of kibbutzim in the Jordan Valley toward the Arab invasion. That having said, the report added that the kibbutzim in the area “did not excel . . . in [having] strong nerves and perfect order. Here there was panic.” The report was therefore one more means in which the Ha-Shomer Hatsa'ir demonstrated its dual attitude toward Sha'ar ha-Golan, which fused support on the one hand and latent condemnation on the other hand. See SHGA, *Ha-Istadrut ha-'Olamit she ha-Ha-Shomer Ha-Tsa'ir*, Merhavia, June 15, 1948 (Vol. 11) and compare to Levi Dror and Yisrael Rosenzweig (eds.), *Sefer Ha-Ha-Shomer Ha-Tsa'ir* (Merhaviyah 1956-1964), Vol. III, 19, 46 and 154.

²⁰¹ Gordonia was a socialist though non-Marxist kibbutz movement, named for Aaron David Gordon (1856-1922)—an ardent propagator of practical Zionism and the spiritual father of the Zionist “religion of work.” About the origins and nature of the movement, see Nathan Rotenstreich, *Gordonia: A Pioneering Youth Movement* (Huldah 1982) and Elkanah Margalit, *Tenu'at ha-No'ar Gordoniya—Ra'ayon ve-Orah Hayim* (Tel-Aviv 1986).

²⁰² YTA 12-13/ 13b4, Gordonia, *Bulletin* (16), July 11, 1948, 1.

²⁰³ *Ibid.*, 5 and 6, respectively.

²⁰⁴ *Ibid.*, 7.

represented a temporary and partial operational failure that stemmed from difficult military conditions. To be precise, the fall of the kibbutz was a result of a severe shortage of weapons, means of communications, and assistance from the military command. Also problematic was the limited military potential of Masada from the outset. In simple terms, the human resources of the kibbutz, along with its inadequate supplies, prevented it from carrying out the military task it was required to undertake. The report went on to argue that the attempt to blame the kibbutz was the result of “adherence to archaic concepts,” such as the Tel Hai myth, which was noble on paper, but unrealistic during the battle that led to the destruction of Kibbutz Masada.²⁰⁵ Accordingly, the report concluded that accusing Masada of a failure of values was superficial, unfounded, and detached from reality, and that the fall of the kibbutz was no different than the fall of other settlements in battle. Furthermore, the report stressed the fact that the members of the kibbutz fought for four full days and maintained that their active role in reconquest was an act of bravery.

The Shaltiel Committee

Against this background, the people of Masada demanded that the Gordonia movement and the IDF stand by them and assist in the rehabilitation of the kibbutz’s reputation. More specifically, they demanded that the military establishment appoint an inquiry committee to examine the circumstances of the kibbutz’s submission. At the time the Gordonia report was written, such a military committee had yet to be formed, but the mere demand for it indicates that, similar to the case of Sha’ar ha-Golan, the members of Masada would not settle for internal inquiries conducted by their own settlement movement. According to Eliezer Goldman, commander of the Kinneret region, “the people of the Jordan Valley . . . accuse the military command of negligence, the result

²⁰⁵ Ibid, 5-6.

of which was the unnecessary loss of human life.”²⁰⁶ In his letter, Goldman shared his own opinion that the brigade should respond positively to the request to appoint a committee, whose members should not be from the region. Goldman had personally appointed a similar committee on May 29, but it had fallen apart for indeterminate reasons shortly thereafter, before it reached any conclusions.²⁰⁷

After four months had passed, with their request for a military investigation languishing, the members of Sha’ar ha-Golan and Masada turned to the Ministry of Defense again, demanding that the events surrounding the battle be given close scrutiny. As a representative of Sha’ar ha-Golan wrote in a letter to the ministry, he and his comrades would, under no circumstance, “be willing to have the issue closed the way it currently stands. It is of importance to us and to our children that clarity come to reign over this painful chapter, and that all the circumstances related to the event be clarified.”²⁰⁸ The Ministry of Defense was not overly eager to investigate the battle but was also not opposed, in principle, to the idea. According to internal correspondence between the Director General of the Ministry and the Chief of Staff, Ya’akov Dori, the former estimated that any investigation should last no more than a single day. There was, nonetheless, someone who added a handwritten note—most likely the acting IDF Chief of Staff, Yigael Yadin—that there was no need for an investigation into the battle, since neither the Ministry nor the army authorities demanded an investigation of the kibbutz members.²⁰⁹ Eventually, the Ministry of Defense decided

²⁰⁶ SHGA, Sha’ar ha-Golan to the Golani Headquarters, May 20, 1948, and compare to the letter sent by the District Commander to Golani headquarters on June 2, 1948 (IDFA 58-5205/1949).

²⁰⁷ Agin, *Netishah*, 205. The committee was manned by two kibbutz members who dwelled in the Jordan Valley and by the military commander of the city of Tiberius.

²⁰⁸ IDFA 176-121/1950, Sha’ar ha-Golan to the Ministry of Defense, September 25, 1948.

²⁰⁹ IDFA 176-121/1950, Yosef Yizraeli to Ya’akov Dori, October 3, 1948. On paper, IDF Chief of Staff during the 1948 War was Ya’akov Dori. In practice, however, he was unable to engage in his military duties regularly due to bad health. About Dori see Mordechai Naor, *Ha-Ramatkal ha-Rishon Ya’akov Dori* (Ben Shemen 2011).

to respond favorably to the demand of the two kibbutzim and to appoint a committee of inquiry which was, it seems, the third investigative body established for this purpose.

Here it should be noted that in the period prior to the enactment of the State Commissions of Inquiry Law, 5729-1968, the executive branch in Israel did not have at its disposal a uniform investigative tool to look into matters of vital public importance such as the cases of Masada and Sha'ar ha-Golan.²¹⁰ In practice, this meant that any arm of the executive and legislative branches could have voluntarily established independent inquiries of their own, and that there were no rules administering the structure and procedure of the inquiries. Thus it happened, as we saw in the chapter on kibbutz Nitzanim, that several bodies within the military establishment appointed or wanted to appoint a committee without coordinating efforts with one another. This situation led to a one-man committee headed by General David Shaltiel being the first body established by the military establishment to look into the fall of the kibbutzim. This committee was established on March 23, 1949.

The decision to appoint Shaltiel to the job was due first and foremost to his position as the Comptroller-General of the General Staff. The appointment also alludes to the fact that from the outset of the affair, the military authorities were open to the possibility that the inquiry would favor the members of the kibbutzim. After all, Shaltiel was known during the war for supporting the evacuation of civilians under fire. Moreover, in July of that year, Shaltiel was dismissed from his position as the commander of Jerusalem and its surroundings exactly for this reason, and for what his supervisors believed was too soft a commanding style.²¹¹

²¹⁰ About the legal status of Israeli commissions of inquiry in the period that preceded the Israeli State Commissions of Inquiry Law, 5729-1968 see Avigdor Klagsbald, *Tribunals of Inquiry* (Jerusalem 2001), 71-81.

²¹¹ The person who replaced David Shaltiel as the commander of the area that included Jerusalem during the 1948 War was Moshe Dayan; that is, the same Dayan who replaced Moshe Mann in commanding the Jordan Valley battle. Regarding Shaltiel's attitude toward the evacuation of Gush-Etzion see Moti Golani, "*Mateh Mahoz Yerushalayim ve-*

According to Shaltiel own words at the beginning of the investigative report on the battles in Masada and Sha'ar ha-Golan—a report that he submitted to the Minister of Defense on November 17, 1948—he did his best to “enable the people of both kibbutzim to give their testimony in a free and detailed manner.” He ended the inquiry, he declared, only when “the people of the kibbutzim were themselves convinced that in fact everything that could have been said about the issue was said.”²¹² In spite of his openness and willingness to be tentative to the kibbutznikim, Shaltiel also made it a point to present himself as an objective investigator, that is, as someone who did not seek to appease the members of the kibbutzim from the outset.²¹³

Similarly to the investigation carried out by Ha-Shomer Hatsa'ir, Shaltiel's investigation culminated in a report that included both condemnation and affirmation. The report starts off by arguing that the task imposed on him was “the examination of the circumstances regarding the abandonment of the locations” (i.e., Masada and Sha'ar ha-Golan).²¹⁴ While such an inquiry might have focused on the military moves that developed throughout the battle, the report pays more attention to the moral aspects of surrender. The core of the investigation was centered on the behavior of the kibbutzim members *vis-à-vis* the values of pioneering Zionism. That world was presented in the report as a given that required no further elaboration, that is, a normative code of conduct that should be clear and known to all. “The questions posed before us,” Shaltiel noted, “are: what happened to the people of these 2 kibbutzim? Both of them have a pioneering Zionist past and a history of defense; both of them possess cognizant people, who established their farming communities under harsh working conditions, who withstood serious tests more than once, and

Gush Ezion be-Tashah,” in Arie Naor (ed.), *Gush Etzion Mi-Reshito Ve-'ad Tashah* (Jerusalem 1985), 182-189. Also see Netanel Lorkh, *Korot Milkhemet ha-Atsma'ut* (Givatayim 1989), 201-202.

²¹² The Shaltiel Report, 1.

²¹³ Ibid.

²¹⁴ Ibid.

who were brought up and then brought others up in the honorable tradition of the pioneer movement. What happened to them that they could leave the fruit of their labor, the source of their existence, and the aim of their lives?”²¹⁵ From this point, Shaltiel divided the report into three thematic parts, which relate to the findings of the investigation, their analysis, and the conclusion.

Shaltiel’s lenient approach and his tendency to place the decision to desert in a wider context is evident throughout the report. The findings section ends with a clear determination that there is no doubt that the people of Masada and Sha’ar ha-Golan “left the area of their protectorate without receiving permission.” This fact is presented as a “serious offense”—that is, “evacuating a post without permission.”²¹⁶ However, each part of the report includes a significant list of mitigating factors that serve as a preface for Shaltiel’s final conclusion that based on “the clear cut *objective reality* [that existed during the battle...] there is no doubt that the members of these farming communities deserve to walk with their heads held high, [and] with confidence that they will withstand future challenges, and by recognizing their right to a dignified life in their current location.”²¹⁷

Among the variety of causes that brought Shaltiel to this conclusion were the facts that the kibbutzim were not properly fortified or armed²¹⁸; their people were not well trained; and that

²¹⁵ Ibid, 5.

²¹⁶ Ibid, 5 and 6, respectively.

²¹⁷ Ibid, 7. Emphasis added.

²¹⁸ Scholars and laymen have debated over the years whether the military establishment discriminated small kibbutzim such as Nitzanim due to political pressures placed on it by strong kibbutz movements in general, and the Shomer Ha-Tsa’ir in particular. The topic has attracted quite a lot of public attention. See for example *Al ha-Mishmar*, December 26, 1983; Yisra’el Galili, “*Ha-emet ‘al Nitzanim*,” *Yediot Ahronoth*, January 9, 1984; Sue Fishkoff, “Surviving Shame,” *The Jerusalem Post*, May 3, 1995, 10; Shlomo Nakdimon, “*Hithadesh ha-Kerav ‘al Nitzanim*,” *Yediot Ahronoth* (Holiday Section), May 3, 1995, 16-19; *Ha-Kibbutz*, December 31, 1998, 12-13; Ada Ushpiz, “Youth in Tel-Aviv, Death in Nitzanim,” *Haaretz* (Holiday Section), October 10, 2003, 23-24; Meir Pa’il in Avihai Becker, “*Bati le-Vakesh Slihah*,” *Haaretz*, April 23, 2004; Milstein, *Left to Die*, and more. Interestingly, Sha’ar ha-Golan, which was affiliated to the strong Shomer Ha-Tsa’ir movement, raised similar arguments against the IDF. As noted above, the Burstein Committee reached the conclusion that the military establishment indeed yielded to political pressures (see IDFA 182-129/1951 36 and 29). The Committee acknowledged that Nitzanim was improperly armed in comparison to other kibbutzim in the area, such as Negba, Gat and Galon, which were affiliated to Ha-Shomer Ha-Tsa’ir. A comparison between the cases of Sha’ar ha-Golan, on the one hand and Nitzanim on the other hand, lead to

during the battle “the civil authority in the Jordan Valley block did not maintain contact with the posts and did not demonstrate sufficient care in maintaining the emotional stability of their people.”²¹⁹ This was a reference to the Golani Brigade, which ordered the removal of soldiers and radio communications from Sha’ar ha-Golan during the fighting.

The blurring of the boundaries between the military and the civilian—with ordinary citizens cast in the position of combat soldiers—was evident to Shaltiel who testified to this fact in a different section of the report.²²⁰ Shaltiel made a point to note that, prior to the battle, no plans were made for the evacuation of civilians; that the members of the kibbutzim fought stubbornly for four consecutive days; and that their request for backup went unanswered.²²¹ Therefore, he argued, “one cannot answer the question of what happened to the people of the kibbutzim simply by saying that they had betrayed and deserted the gate that was handed to them for protection”²²²— words that were taken directly from the *Palmach Bulletin* that is not mentioned explicitly in the report.

Much attention is dedicated in Shaltiel’s report to the feelings of the kibbutzniks. Following four days of battle, merely holding onto the posts was deemed by the kibbutzim to be the equivalent of being in “suicide platoons.”²²³ According to Shaltiel’s understanding, this sentiment was unjustified due to the “objective circumstances” of the battle. However, he qualifies, that no one explained to the members what those “objective circumstances” were and therefore, “they saw themselves, in a very primitive way, as a bulge on the front lines (*belitah ba-hazit*) that could be

the conclusion that flaws in allocations of weapons were the result of political considerations in combination with what seems to be objective incompetence of the IDF, which lack the proper means to sufficiently armament certain communities.

²¹⁹ The Shaltiel Report, 5.

²²⁰ Ibid, 6.

²²¹ Ibid, 2, 6 and 7.

²²² Ibid, 5.

²²³ Ibid, 4.

detached [i.e. taken over by enemy forces] at any time.”²²⁴ According to Shaltiel, the people of the kibbutzim did not comprehend their situation during the battle as it was taking place. Furthermore, the report uses the synonyms “objective circumstances” and “objective reality,” that is, the experiences members of the kibbutzim went through during the battle, to raise opposing arguments: First to justify their decision to abandon their kibbutz, and then for the sake of canceling the feeling of concern they were experiencing.

Retrospectively, Shaltiel’s focus on the moral aspect of the kibbutzim abandonment, as opposed to the military aspect of the battle, has provoked harsh criticism against him. By focusing on the question of “what happened to the people of the kibbutzim?” Shaltiel avoided giving “an answer to the basic question of “how it happened?””²²⁵ There is no doubt that many details related to the battles of the Jordan Valley, in general, and the battle of Masada and Sha’ar ha-Golan, in particular, are missing in the report. This is evident by the research of Assaf Agin, a historian of the Jordan Valley battles, and by additional research materials that have been collected over the years. These materials and studies lead to the conclusion that members of Masada and Sha’ar ha-Golan fought to their best of their ability without having a realistic chance to beat an enemy superior in both quantity and quality. Nevertheless, it seems that the claim according to which the Shaltiel Report “did not relate in any way to the military alignment (*ha-ma’arakh ha-tseva’i*) that was in the Jordan Valley”²²⁶ is significantly exaggerated for several reasons. First, the report outlines—if only in general terms—the development of the battle between May 14 and 18. Second, by focusing on the behavior of the members of the kibbutzim—and not on that of the Golani troops, the IDF’s senior command or, in contrast, the Syrian enemy—the Shaltiel Report deals

²²⁴ Ibid, 6. Emphasis added.

²²⁵ Agin, *Netishah*, 206.

²²⁶ Ziva Dror, “*Mi Natash Rishon? Ha-im Mosdot ha-Tsava veba-Gush o Sha’ar ha-Golan ve-Masada?*,” *Ba-Emek u-Varamah* 83 (May 2001), 26.

with the part of the military alignment that was in the area; a part that, for better and for worse, relies on the people of the kibbutzim themselves. Third, the assumption according to which it was possible, while writing the report, to relate to the “entire military alignment” assumes that in 1948 the alignment was formulated and known. This period was a time of transition during which the Ministry of Defense and the IDF were still developing a long list of regulations and procedures regarding military and civil affairs. This included the chain of military command, the interface between it and civil leadership, and Israel’s evacuation policy.²²⁷ An exact and comprehensive outline of the military and civil alignment, as if in 1948 such a clearly defined alignment existed, was simply impossible at the time of the Shaltiel Report. It seems that the complaints raised against Shaltiel that he did not carry out his task appropriately suffer from anachronism.

As it turns out, the Israeli political establishment retrospectively forged a policy that included core issues, such as the evacuation of non-combatants under fire, as the war was still ongoing. As Nurit Cohen Levinovsky and David Tal demonstrated, in the vast majority of cases, the decision concerning evacuation of civilians during the war was taken at the local level with an evaluation of the circumstances by the civilians themselves.²²⁸ These *ad hoc* decisions had a significant impact on the way Israeli leaders eventually viewed the issue. In this respect, the public and the war brought the Israeli leadership down to reality, forcing leaders like Ben-Gurion and Ya’ari to understand that the principled position of defending settlements to the last man, is a unrealistic decree that is impossible to live up to.²²⁹ Accordingly, the Israeli leadership took heed of the public’s sentiment and actions and changed its position about evacuation of civilians under

²²⁷ See Zahava Ostfeld, *An Army is Born: Main Stages in the Buildup of the Army under the Leadership of David Ben-Gurion* (Tel-Aviv 1994), 220-228 and compare to Golani, *Mateh Mahoz Yerushalayim*, 185-189.

²²⁸ Cohen-Levinovsky, *Evacuation of Non-Belligerents*, 272 and along the entire article, and Tal, “The Evacuation of Non-Belligerents.”

²²⁹ *ibid*, VIII, and compare to Golani, *Mateh Mahoz Yerushalayim*, 189 and Agin, *Netishah*, 249-255.

fire. The Shaltiel Report should therefore be seen as part of a joint effort by Masada and Sha'ar ha-Golan, on the one hand (an effort exerted from “below”), and by the Israeli establishment, on the other (from the “top” down), to determine an agreed-upon narrative about the battle. It should also be viewed as a means to develop military norms of conduct that go beyond the limited events of the two kibbutzim, that is, social conventions that were in fact part of a budding national tradition.

It should be remembered that at no time did the members of the kibbutzim argue that as civilians they were not required to take part in the fighting. On the contrary, one of the main complaints they raised to the military and political leaderships concerned the lack of equipment and ammunition that was at their disposal. In simple terms, the call of the kibbutz members for an investigation reflects their identification with the moral values of pioneering Zionism, as well as with the Israeli war effort and the Israeli establishment, which later recognized its limitations and the limitations of civilians under fire. In this respect, the story of the people of Masada and Sha'ar ha-Golan is reminiscent of the story of the people of Nitzanim. At the same time, the stories are different from one another regarding the aftermath of the military investigation.

The previous chapter showed that upon the publication of the Burstein Committee, Nitzanim embarked on a well-oiled and productive campaign to rehabilitate the kibbutz's good name in the history of the 1948 War. Fully backed by Ha-No'ar Ha-Tsiyoni, Nitzanim was able to publicize and implement the recommendations of the Burstein Committee. Masada and Sha'ar ha-Golan, on the other hand, made little use of the Shaltiel Report to improve their reputation in the history of the war. One reason for that stems from the decisions of the military establishment, Ha-Shomer Ha-Tsa'ir, and Gordonia to limit their inquiries' circulation to the public.

Limiting the Inquiries' Reach

As stated, the inquiry committee that the secretariat of Ha-Shomer Ha-Tsa'ir established in June 1948 for investigating the event in Sha'ar ha-Golan used double language of appropriate conduct and failure. The Committee finished its work with a recommendation, which was at least partly implemented, that the conclusions of the inquiry should be made public only within the movement. The Committee also recommended that the movement take part in the contacts Sha'ar ha-Golan has with the defense establishment regarding its part in the war. In practice, however, the burden of dealing with the issue after the kibbutz and the military probe was placed on the shoulders of the kibbutz itself. Similarly, the Gordonia movement did not mobilize in defense of Kibbutz Masada on the national level. The bulletin it published in defense of the kibbutz in July 1948 was meant to tell the story of Masada during the war, and bring it to the "attention of true friends and to contradict the maligning mouths." That said, the bulletin was defined, from the outset, as an "internal document" that was meant exclusively for the people of Gordonia. On the header of the bulletin was clearly written: "if this bulletin exits the confines of the Movement—we will have to stop publishing additional material."²³⁰ With this warning any potential that may have existed for glorifying Masada in public, was lost. Moreover, the Shaltiel Report was classified as "top secret," meaning that only a few people in the defense establishment, headed by the Minister of Defense and the Chief of Staff, could view it. A request by Sha'ar ha-Golan to General Shaltiel in March 1949 to receive the transcript of the investigation received a laconic response stating that the issue is beyond his authority.²³¹ It should be added that Shaltiel himself recommended to Ben Gurion to make the report public, but this recommendation was not implemented.²³²

²³⁰ YTA 12-13/ 13b4, Gordonia, *Bulletin* (16), July 11, 1948, 1.

²³¹ See SHGA, Sha'ar ha-Golan to David Shaltiel, March 9, 1949 and the response Shaltiel sent to the kibbutz on March 17, 1949.

²³² IDFA 182-129/1951, David Shaltiel to David Ben-Gurion, May 22, 1949.

In a letter that Shaltiel sent to the Minister of Defense in May 1949, he reported that the members of the two kibbutzim held a press conference during which they relayed the events before the media. Furthermore, they told the reporters that the Committee was set up to investigate the battle, and argued that the Committee archived its report without any justification. From this point onwards, he added, various rumors and commentaries started appearing, some of which were completely unreliable, “about the quality of the report and the quality of the Committee.”²³³ Shaltiel’s recommendation to make the report public was meant to disprove these rumors, which also harmed his reputation. It appears that the decision to continue the top secret classification was taken a short time after, in consultation between the Minister of Defense and his Director General, Eliezer Perry.²³⁴

The next time the issue was raised was thirty years later. In March 1979, the general-secretary of Massada (*Mazkir ha-Kibbutz*), Elisha Greenwald, requested a copy of the report from the Director General of the Ministry of Defense.²³⁵ In the letter Greenwald sent to the Director General, Haim Israeli, he stated that receiving the material was “a need of the highest order because this important document will complete the material that can shed light on the difficult events our kibbutz went through in those days.” The request was granted, including the Shaltiel Report, which was made public.²³⁶ An additional copy of the report was sent in June 1979 to Kibbutz Sha’ar ha-Golan but, somewhat strangely, the kibbutz was told that it should refer to the document as confidential in nature, and that it should not be taken beyond the kibbutz boundaries. The receipt of the report did not stir much interest at Sha’ar ha-Golan, and only seven members made it a point to review it. However, nine years later, in 1988, the issue again became a topic of discussion due

²³³ Ibid.

²³⁴ IDFA 289-580/1956, Nehemiyah Argov to A. Perry, June 27, 1949.

²³⁵ YTA 12-13/13b4, Elisha Greenwald to Hayim Yisraeli, March 23, 1979.

²³⁶ YTA 12-13/13b4, Hayim Yisraeli to Elisha Greenwald, April 16, 1979.

to a demand by the kibbutz members to “break the silence and know what happened [in the kibbutz]—and how?”²³⁷ After several months of waiting, the kibbutz received a positive answer.²³⁸ In this way, the forty-year saga of the Shaltiel Report’s publication ended. Ironic indeed it was that the report did not contain any extraordinary military information.

Kibbutz Commemorative Activity

Masada

The delivery of the Shaltiel report to Masada in the late 1970s did not fundamentally change the passive course of action the kibbutz had taken for decades. During all this time, the issue was repressed in Masada, which avoided dealing with it even within the kibbutz. As the former archivist of the kibbutz put it in a telephone conversation that I conducted with her: the members simply “did not want to remember” and preferred to “bury the issue.”²³⁹

This is evident in the limited number of books that Masada published over the years about the history of the kibbutz. What is common to all of them is the total avoidance of the desertion issue. In the book *Kevutsat Masada* (The Masada Group) that the kibbutz published in 1962, on the 25th anniversary of the establishment of the kibbutz, it was written that the 1948 War affected the kibbutz in a severe way but that within a short period of time it recovered and continued to develop. It further stated that members were able to rebuild the ruins because “the spirit and soul” of the kibbutz were unharmed.²⁴⁰ In a single, direct, and brief mention of the defeat in the battle, it said that one fallen kibbutz member was among the guards “who bravely stood, few against

²³⁷ SHGA, an inner letter the secretariat of Sha’ar ha-Golan circulated on April 26, 1988.

²³⁸ SHGA, Sha’ar ha-Golan to the IDFA, July 26, 1988 and the positive response the kibbutz received on August 29, 1988.

²³⁹ Phone interview with Yael Manzer, former archivist of kibbutz Masada, March 24, 2012.

²⁴⁰ Masada, *Kevutsat Masada: 25 Shanim le-Kiyumah* (Tel-Aviv 1962), 40-41.

many, until they were overcome.”²⁴¹ It was also highlighted that in 1955 the kibbutz received, together with dozens of other settlements, the “War of Independence” Ribbon for its contribution to the war effort in 1948.²⁴² This was all meant to give Masada an air of bravery, or at least to present it as a normal settlement whose wartime story did not differ from that of other kibbutzim that withstood severe attacks by the enemy. According to the *Masada Group* book, the sons and daughters of the kibbutz who were born and educated in it after the war were raised “without the same complexes that their parents had in the Diaspora.”²⁴³ They wear the military uniform naturally, work in fields and, in short, embody in their lives the vision of the “New Jew.”

In another book that Masada published in 1987 on the 50th anniversary of the kibbutz, once again the issue of the desertion was shunted aside.²⁴⁴ The point that is highlighted in the book is the kibbutz’s devotion to the task of Zionist settlement. First, it includes a copy of a letter that Ben-Gurion sent to the kibbutz in 1962 in which he congratulated Masada on the publication of the *Masada Group* book and what he described as the privilege the members share in settling in the Jordan Valley.²⁴⁵ Along the same lines, there is a short description of the four members of the kibbutz who fell in battle during the war of attrition (1968-1970). In the description of their death, it was written that the kibbutz will not retreat from any field or give up any plot on the grounds, and that holding onto the land is at the heart of its members.²⁴⁶ As opposed to the first two books

²⁴¹ Ibid, 219.

²⁴² “The War of Independence” is the most common title used by Jewish Israeli citizens to describe the 1948 War. In 1955 the Ministry of Defense and IDF endowed the “War of Independence Ribbon” to ninety-eight towns, villages and settlements including Masada, Sha’ar ha-Golan and Nitzanim in tribute for their contribution to the war effort. The full list of settlements is available at: <http://www.israelidecorations.net/Towns19481949.htm> (Last visited on May 21, 2014). It seems that the ribbon was endowed to Masada and Sha’ar ha-Golan following some pressure the Association of Kevutsot (*Hever ha-kevutsot vaha-kibutsim*) put on the Ministry of Defense.

²⁴³ Masada, *Kevutsat Masada*, 43.

²⁴⁴ Menachem Rolal et.al., *Yovel li-Kevutsat Masada be-Hityashvut Homah u-Migdal* (Tel-Aviv 1988). See especially pages 89-101.

²⁴⁵ Ibid, 128.

²⁴⁶ Ibid, 96.

that Masada published, the third book of 1990 does somewhat expand on the battle of 1948. But even so, the battle is discussed from the personal point of view of one of the kibbutz members, who did not explicitly mention the desertion. What the book does highlight in this short and partial testimony is the demand that the members made to the commander of the area on the night between May 18 and 19, 1948, to retake the kibbutz with IDF backup.²⁴⁷ Whoever does not know the details of the event will not be able to understand the background of this demand. Later on, the members' commitment to the Zionist settlement is reiterated in connection to the Six Day War of 1967.

The broadest reference to the issue of the battle appears in a book that Masada published in 1998.²⁴⁸ It is there that, for the first time, reference is made to the evacuation, which is presented as an inevitable step and as an event that haunted the kibbutz for many years. In a review of the history of the kibbutz in wartime, it is stated that its geographical location put it “from the outset, in the front line of fire from the enemy.”²⁴⁹ The evacuation of 1948 is presented as a necessity that was imposed on the members but one that did not alter the balance of force in the Jordan Valley. that the explanation for this was that, from a certain point in the battle, “Masada and Sha’ar ha-Golan were left without a role in the battle and if there was an intention to impose one role or another [on them] then no one bothered to tell them about it.”²⁵⁰ The book states that even “when history is willing to absolve sins and it is proven beyond any doubt that they [i.e., the defenders] did not have the power to withstand the difficult task,” some of the veterans “still refuse to give up the feeling of failure.”²⁵¹ According to the book, the Shaltiel Report does not accuse the kibbutz of anything but it also does not exonerate it from all guilt. The sequestering of the report, on the

²⁴⁷ Ami Ruzensky, *Sipurei Rishonim: Vatikey Masada Mesaprim* (Masada, 1990), 45.

²⁴⁸ Orna Roni and Sigal Lapidot (eds.), *Pesifas ben Shishim: Shishah ‘Asorim le-Masada 1937-1997* (Hatsor 1998).

²⁴⁹ *Ibid.*, 162.

²⁵⁰ *Ibid.*, 164 and compare to page 22.

²⁵¹ *Ibid.*, 165.

other hand, contributed to the impression that it contained incriminating material about Masada. The tone of the account is thus one of reconciliation and distancing from an event that belongs to the kibbutz's past. In any event, the kibbutz did not change the passive way in which it dealt with the events of the 1948 War. It did not single out the war and present it as one among many chapters in the history of the kibbutz, and its increasing openness to engage in the 1948 War did not include ongoing attempts to glorify its name in the history of the war. A slightly more active approach can be seen in how Kibbutz Sha'ar ha-Golan dealt with the events.

Sha'ar-Ha-Golan

The feeling that the reputation and image of Sha'ar ha-Golan were not fully exonerated by the committees that investigated the issue of desertion started to be discussed by the kibbutz in the months that followed the conclusion of the committees' work. Shmuel (Nyuszi) Gazit gave expression to this sentiment in May 1949. In a short article that he distributed among his friends he described the frustration he felt when faced with his inability to give a direct and public answer to the question: "What happened in Sha'ar ha-Golan?" According to Gazit, the main reason for this was the gag order that was imposed on the Shaltiel Report.²⁵²

In a group discussion that took place in the kibbutz in March 1949, it was clear to the members that the task at hand was to clear the "poisoned atmosphere" enveloping them, particularly following the play written by Yigael Mosinsson.²⁵³ This task went beyond topical events; the *Sha'ar ha-Golan Bulletin* reports that "in the discussion there were members who veered from a topical polemic (with Y. M. [i.e., Yigael Mosinsson]) to the realm of a future

²⁵² SHGA, Shmuel (Nyuszi) Gazit, "*U-mah Karah be-Sha'ar ha-Golan?*," May 1949.

²⁵³ SHGA, *Be-Sha'ar ha-Golan*, March 25, 1949.

historian who will write the events of the 1948 War.” In this context, members philosophized about how that historian would depict the kibbutz and its members? “Will we not come across as people of low stature who did not understand the greatness of the moment, who were dragged into the events and did not take part in shaping them? Will he not judge us severely?” And besides, who will guarantee that this person will refer to the Shaltiel Report at all and present the abandonment in a larger context, taking into consideration the opinions of the members of the kibbutz themselves? The concern over the “verdict that history will hand down” led to the conclusion that Mosinsson “must be given a taste of his own medicine” by using literary tools. The article ends with the claim that the kibbutz should publish a booklet that will put forward the events of the war through prose, to be distributed among the people of the National Kibbutz Movement and Ha-Shomer Ha-Tsa’ir. In such a way, the members sought to bypass the gag order imposed on the Shaltiel Report without committing a security breach. As original as this idea was, it was never carried out.

In a book published by the kibbutz in 1962 titled *Kibbutz ‘al shene gevulot* (A Kibbutz on Two Borders) there are references to the events of 1948, though these references mainly included dry facts about the battle and were not formulated in the form of a novel.²⁵⁴ To be precise, there is a quote that appeared in the military newspaper *Ba-Mahaneh* as early as 1949 that was later also published in the *Book of Ha-Shomer Ha-Tsa’ir*.²⁵⁵ The historical narrative that appears revolves around two main axes: 1) an attempt to absolve the members of the kibbutz from direct and exclusive responsibility for its fall, and 2) depicting the abandonment of the kibbutz in a positive light, which at the end of the day strengthened the Israeli settlement in the Jordan Valley. The book

²⁵⁴ Sha’ar ha-Golan, *Kibbutz ‘al Shenei Gevulot* (Tel-Aviv 1962), 91-92.

²⁵⁵ See ‘Shanah le-Ma’arakhat Emek ha-Yarden,’ *Ba-Mahaneh* (May, 1949), 39 and Dror and Rosenzweig (eds.), *Sefer Ha-Shomer Ha-Tsa’ir*, 249.

emphasizes the small number of defenders of the kibbutz—only a few dozen people; that they were armed with very few weapons and that they had no hope of help or external backup. In addition, they followed military orders to evacuate the civilian population and, after that, they asked the Golani Brigade for additional instructions, which they never received.²⁵⁶ Once again the claim was made that the decision to sequester the Shaltiel Report allowed for defamatory rumors to foster, but also that in response to the conclusions of the report, “changes to the defense structure of the [Jordan] Valley were implemented, commanders responsible for the area were replaced, and, among other things, the importance and responsibility of the kibbutzim in the Eastern Jordan Valley was defined.”²⁵⁷ Moreover, three new kibbutzim were established in the area. In short, there was good that came out of the fall of the kibbutz, and the inquiry into the battle led to a row of positive developments.

Here it is necessary to pause and say that in the same manner that the sequestering of the report was apparently used to defame the kibbutz, it was also used to defend its good name. For example, an article that was published in the daily newspaper *Haaretz* near the first anniversary of the battle, mentioned that “the hidden report contains conclusions that stand in contrast to the rumors and the accepted sentiment concerning the abandonment of the farming communities [in the Jordan Valley] and that there are mitigating factors concerning Sha’ar ha-Golan.”²⁵⁸ The article presents the members of the kibbutz in quite a positive light, caught in a battle under very severe circumstances, suffering grave losses from the Syrian enemy, and through it all displaying bravery and levelheadedness. *Haaretz* added that the people of Sha’ar ha-Golan insisted on returning to

²⁵⁶ The correspondence between Sha’ar ha-Golan and the *Golani* headquarter during the battle of May 14-18 is available at YTA M-27/79-1. Also See Binyamin Etsiyoni (ed.), *Ilan va-Shelah: Derekh ha-Keravot shel Hativat Golani* (Tel-Aviv 1959), 168 and Agin, *Netishah*, 243-244.

²⁵⁷ Sha’ar ha-Golan, *Kibbutz ‘al Shenei Gevulot*, 92.

²⁵⁸ “*Lo Pursam ha-Din ve-Heshbon ‘al Parasht Pinui Sha’ar ha-Golan*,” *Haaretz*, May 9, 1949.

the location and resettling there as soon as the battle had ended. Similar words were published at the same time in *Maariv* which determined without a doubt that the members of the kibbutz “had to retreat.”²⁵⁹

From this, as well as from the early publication in the *Ba-Mahaneh* newspaper, it appears that Sha’ar ha-Golan and, to a certain extent, Kibbutz Masada were not only subject to chastisement for their actions, but also received public support in addition to the qualified support from the military and kibbutz establishments. Several later historiographical sources include a condemnation, or at least hints of condemnation, of Masada and Sha’ar ha-Golan, maintaining that their actions led to the demoralization of troops and citizens.²⁶⁰ And yet, concise descriptions that make mention of the “evacuations,” “abandonment,” “desertion,” or “retreat” of Masada and Sha’ar ha-Golan appear in several sources, usually as part of a broader review of the battles of the Jordan Valley, in general, and the battles in nearby Tsemah and Degania, in particular.²⁶¹ Other surveys of the war in the area ignore completely the stories of Sha’ar ha-Golan and Masada, something that, at least in Sha’ar ha-Golan, is perceived as a way to ignore the kibbutz and belittle its contribution to the war effort.²⁶² The view that the two kibbutzim were only humiliated is, therefore, overly simplistic and overstated.

²⁵⁹ “*Keitsad Heherivu ha-Surim et Sha’ar ha-Golan*,” *Maariv*, June 7, 1948. Years later, the defenders of Sha’ar ha-Golan will also be described as heroes in the book by Eliezer Zaks, *100 Years of Kibbutz – The Story of the Kibbutz Movement* (Tel-Aviv 2010), 205.

²⁶⁰ I. T. Schawarz, *Milhemet ha-Shihrur shel ‘Am Yisrael* (Jerusalem 1953), 123; Etsiyoni, *Ilan va-Shelah*, 168 and 176; Lorkh, *Korot Milkhemet ha-Atsma’ut*, 254; Tal, *The Evacuation of Non-Belligerents*, 71.

²⁶¹ See for example “*Ma’arakhat Emek ha-Yarden*,” *Ma’arakhot* (51), July 1948, 21-28; Netanel Lorkh, *Milkhemet ha-Atsma’ut* (Tel-Aviv 1957), 71-72; IDF History Department, *Toldot Milhemet ha-Komemiyut* (Tel-Aviv 1959), 168-169; Ephraim Talmi, *Ma u-Mi: Leksikon Milhemet ha-Atsma’ut* (Tel-Aviv 1964), 242 and 364; Ben-Zion Dinur, Shaul Avigur, Yitzhak Ben-Zvi, Elazar Galili, Yisrael Galili, Yehudah Slutzki (eds.), *From Resistance to War (Sefer ha-Haganah)*, Volume III, Part III (Tel-Aviv 1972), 1569 and 1977; Zeev Schiff and Eitan Haber, Associate Editor, Arieh Hashavia, *Israel, Army and Defence: A Dictionary* (Tel-Aviv 1976), 328 and 517; Ben Zion Micha’eli, *Abandoned Settlements* (Tel-Aviv 1980), 387; Agin, *Netishah*; Dayan, *Story of My Life*, 58-59; Haramish, *Meir Yaari*, 23. Also relevant here is the Syrian account by Amin el-Nafuri, “*Ha-Tsavah ha-Suri be-Milhemet 1948*,” *Ma’arkhot* 279:280 (1981), 31.

²⁶² Moshe Gophen and Itzhaki Gal (eds.), *Lake Kinneret* (Israel 1992), 214-217 and Benny Morris *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York 2001), 233. Interestingly, Morris mentions that

The review of the battle that appeared in a book published by Sha'ar ha-Golan in 1962 ends with the categorical claim that the members of the kibbutz are worthy of facing the following generation with “their heads held high,” as pioneers who played a key role building a settlement on the periphery and thus strengthening the Jewish claim to the land.²⁶³ This corresponds, naturally, with the Shaltiel Report that includes a similar statement. Until the “Removing the Mark of Cain” event that was held in 2001, such statements appeared at least in one other publication of the kibbutz in 1986.²⁶⁴ However, this statement was unable to rise above the broader tendency in the kibbutz to avoid the issue, and to refer to it as some kind of internal secret. So, for example, a small research paper written by a young woman member of the kibbutz in 1987 was shelved by the jubilee committee of the kibbutz, which decided by majority vote not to publish it.²⁶⁵ The writer, who was born and raised in the kibbutz, wrote that for years she innocently believed that the founders retreated out of fear of the battle, without any plan of returning. Based on the findings of her research she could not but wonder why she and her generation had never been told the true story. Her research was published by the archive of Sha'ar ha-Golan only in 2001. Four years earlier, the kibbutz archive received a much more comprehensive and detailed study arguing that even in 1948 terms (as opposed to 1997), there were no grounds on which to condemn the people of Sha'ar ha-Golan. The main findings were published in the local kibbutz paper which emphasized “that they *enable the fighters of 1948 and their descendants to toss to the waste basket of history the “mark of shame” and to raise their heads up high with pride.*”²⁶⁶

following the battle in Degania, it was actually the Syrians who beat a hasty retreat, abandoning Masada and Sha'ar ha-Golan. Also relevant here is Dror, *Ba-Emek u-Varamah* 83 (May 2001), 26.

²⁶³ Sha'ar ha-Golan, *Kibbutz 'al Shenei Gevulot*, 126.

²⁶⁴ See the piece by Roni Re'uvani in *Be-Sha'ar ha-Golan: Bi-Shenat ha-Yoavel* 50:1 (October 3, 1986), 10-11.

²⁶⁵ SHGA, Ziva Shilo, “*Sha'ar ha-Golan be-Milhemah ha-'Atsma'ut*” (1987).

²⁶⁶ Assaf Agin, “*Lo hayah Makom leha-ashim et Anshei Sha'ar ha-Golan u-Masada*,” *Be-Sha'ar ha-Golan* 12:61, April 24, 1998, 6-11 (emphasis in the original). Also see the piece Agin published in *Ha-Daf ha-Yarok* on May 22, 1997.

Sha'ar ha-Golan's process of coming to terms with the trauma of 1948 required an incubation that lasted for fifty years. And even this process, that culminated in 2001 and resulted in a greater willingness of the members of the kibbutz to deal with the topic internally, did not lead to commemoration activity that attracted the attention of people outside the kibbutz.²⁶⁷ In 2006, for example, the kibbutz arranged a group tour to commemorate the "Haifa Exile," where the members of the kibbutz remained in the months following the battle. The passage of time, combined with social processes that took place in Israeli society in recent decades (details below), enabled kibbutz members to declare that not only were they were not ashamed of the events of 1948 but, on the contrary, the kibbutz's pattern of behavior was completely justified.²⁶⁸ One of the participants in the tour said that "today it is permitted to slaughter holy cows, and it is clear that sacrifice at all cost, indeed, the binding of Isaac, is not a holy act. Life is holier than everything [else]. What was our crime? We wanted to live even if the ideal was that everyone would be slaughtered [in battle]."²⁶⁹

Such words coincide with extensive changes within Israeli society that began in the 1970s. Among these changes was the decline in social solidarity and a decreased willingness to do military service; an increase in individualism and values associated with a capitalist market society with a strong global orientation; changes in the structure of the IDF, which became more and more professional (as opposed to a popular army); and a shift in the relations between the army and

²⁶⁷ Efrat Kantor, *The Collective Memory of Hakibutz Hameuchad – Its Formation and Essential Components* (Sede Boker 2007), 77 and compare to Shirli Singer, "Hag Ba-Sha'ar," *Ha-Kibbutz* (13), March 30, 2006, 4.

²⁶⁸ Most relevant here are Yagil Levi, *Israel's Death Hierarchy: Casualty Aversion in a Militarized Democracy* (New York and London 2012); Yoram Bilu and Eliezer Witztum, "War Related Loss and Suffering in Israeli Society: An Historical Perspective," *Israel Studies* 5:2 (Fall 2000), 1-31; Baruch Kimmerling, *The Invention and Decline of Israeliness: State, Society and the Military* (Berkeley, Los Angeles, London 2001); Luis Roniger and Michael Feige, "Tarbut ha-Frayer veha-Zehut ha-Yisraelit," *Alpyaim* 7 (1993), 118-136, and Luis Roniger, "Ha-individualism Bekerev ha-tsibur ha- Yéudi be-Ertz Yisraél Bishenot ha-tishim" in 'Azmi Bisharah (ed.), *Ben ha-Ani la-Anaknu: Havenayat Zehuyot ve-Zehut Yisraelit* (Jerusalem 1999), 109-128.

²⁶⁹ The words of Nurit Katsiri in Eli Ashkenazi, "Lo Hitabadnu le-Ma'an ha-Moleded, Az Ma," *Haaretz*, April 6, 2004.

Israeli society. Also relevant is a natural decline in the potency of Zionist ideology two or three decades after the state was created, and especially after the Yom Kippur War. The first Lebanon War of 1982 also played a major role in the declining ability of the Israeli government to rally citizens around propaganda slogans. To this we might add that the increased willingness of Sha'ar ha-Golan to deal directly with the abandonment of the kibbutz by the military in 1948 took place after a number of landmark events in the history of the country that were also associated with withdrawal. These include the 1991 Gulf War, during which there was a broad public debate about the abandonment of Tel Aviv by thousands of Israelis who fled the city when faced with an Iraqi missile threat;²⁷⁰ the 1993 Oslo Accords, which led to the withdrawal of Israeli forces from seven Palestinian cities; and especially the IDF's withdrawal from South Lebanon in May 2000. That withdrawal was, in fact, the immediate trigger that led to the "Removing the Mark of Cain" meeting that was held in Sha'ar ha-Golan in the summer of 2001. The hasty withdrawal of the Israeli Army from South Lebanon over the course of one night—a step that terminated eighteen long years of Israeli military presence in the country—brought to the surface in Sha'ar ha-Golan emotions that had been repressed by the kibbutz for decades. In fact, locals understood the Israeli withdrawal from Lebanon as additional proof that, under certain circumstances, a military withdrawal is not only legitimate, but justified and a positive step. If the Israeli leadership could consciously and deliberately withdraw troops in a calculated manner that was planned in advance for months, then the decision of a handful of improperly armed settlers to withdraw under a massive attack was even more defensible. Controversial as the abandonment of Tel Aviv and the

²⁷⁰ Most relevant here is the study by Moshe Zuckermann, *Shoah in the Sealed Room: The "Holocaust" in Israeli Press during the Gulf War* (Tel-Aviv 1993). For more about the effect the events and phenomena mentioned above had had on the contours of Israeli identity see the introduction to Robert Wistrich and David Ohana (eds), *The Shaping of Israeli Identity: Myth, Memory and Trauma* (London 1995), especially page xi.

Oslo Accords have been, these events deepened the notion that territorial concessions are an integral part of Israeli military and political life, and at least in some minds, in the national interest.

We have seen that similar to the members of Kibbutz Masada, the members of Sha'ar ha-Golan only started to deal directly with the issue of the retreat close to the advent of the 21st century. Even though both kibbutzim focused their efforts at explanation within the kibbutz, Sha'ar ha-Golan preceded Masada in saying that its people were worthy of holding their heads up high.

Epilogue

The Syrian attack on Masada and Sha'ar ha-Golan began just a few hours after the establishment of the State of Israel on May 14, 1948. It ended four days later, when Syrian forces and local Palestinians captured the two kibbutzim, looted them, and set them on fire. During this time, Israeli settlers in Masada and Sha'ar ha-Golan, who lacked basic military training, suffered from a severe scarcity of weapons. Their contact with the IDF was also partial and inconsistent. Because of these circumstances, they reached the conclusion that they had to retreat temporarily from their settlements and use the respite from battle to recuperate and reorganize themselves to rejoin the fighting. This decision, which the locals made without receiving the permission of the IDF in the Jordan valley, most likely saved their lives. It also led to two tragic results: 1) the total destruction of the two kibbutzim, which were recaptured by IDF forces a few days later, and 2) the harsh public condemnation and stigmatization of their members as people who jeopardized the Israeli war effort and turned their backs on fundamental values of the Zionist movement.

This chapter focused on the way Masada and Sha'ar ha-Golan dealt with the trauma of the war for over half a century. The chapter suggests that the ability to forge historical memory is largely dependent on the willingness of the historical actors and their descendants to engage in the

work of memory formation, using, where necessary, the tools provided by commissions of inquiry. In the case of Masada and Sha'ar ha-Golan, the two kibbutzim abstained from almost any commemoration and mythologization activity until the early 2000s. In so doing, they basically wasted the potential embedded in the inquiries of 1948 as agents of historical memory.

We have seen that the struggle to clear the names of Masada and Sha'ar ha-Golan began with their demand for a military inquiry, and that the Shaltiel Committee, like the kibbutz inquiries of Gordonia and the Ha-Shomer Ha-Tsa'ir, validated the two kibbutzim. They did so, however, in a somewhat restrained manner, since the decision to abandon the kibbutzim was made without the required approval of the IDF. With the “verdicts” of the respective commissions of inquiry, the aspiration of Masada and Sha'ar ha-Golan to be “exonerated” by the military establishment was supposed to be fulfilled. Nevertheless, members of the two kibbutzim continued to live in the shadow of the war for decades, and almost totally abstained from engaging in commemorative activity that would have glorified their part in the war.

The similarity between the cases of Masada and Sha'ar ha-Golan, on the one hand, and Nitzanim, on the other, is striking. First, both narratives are embedded in specific battles during the 1948 War. Second, both represent micro-histories that open a window onto the social forces that brought about their respective condemnations. These condemnations rested upon Zionist values and myths that demanded that ordinary citizens perform on the battlefield as *de facto* soldiers. Third, both cases led to the formation of inquiries that were supposed to clear the names of the kibbutzim involved—Masada, Nitzanim, and Sha'r ha-Golan—and revise Israeli historical memory. By demanding that military inquiries be conducted, the kibbutzim sought to receive official acknowledgement that their failures were not moral but, rather, that they had suffered

military defeats at the hands of a stronger and better-equipped enemy. Last, but not least, the three kibbutzim have lived with the trauma of 1948 and its aftermath for decades.

The fundamental difference between the story of Nitzanim and that of Masada and Sha'ar ha-Golan lies, then, neither in the events that took place on the battlefield, nor in the conclusions of the military and kibbutz inquiries. Rather, the distinction can be found in the manner in which each of the kibbutzim fought over its reputation after the inquiries were completed. For Nitzanim, the Burstein Committee was the initial salvo in a systematic and persistent fight to reclaim its reputation. By building on the initial exoneration the kibbutz received from the Committee, Nitzanim began to mythologize its part in the 1948 War in a myriad of ways, including communal ceremonies, the publication of books and articles, and the establishment of a local museum. These disparate commemorative activities, which were first introduced in the late 1940s and continue into the present, resulted in the attainment of further public acknowledgment that solidified the heroic status of Nitzanim in the history of the 1948 War. By claiming that the Burstein Committee failed in its task as an agent of historical memory, Nitzanim insisted that it had to correct the wrong that was done to it (by the publication of the combat leaflet) over and over again.

Conversely, Masada and Sha'ar ha-Golan did not fight the decision to censor the inquiry reports, both because they were still traumatized by the war and because of their willingness to accept the decisions of the military establishment, Gordonia, and Ha-Shomer Ha-Tsa'ir, to keep the inquiries confidential. With regard to the Shaltiel Report, the decision was in force until the late 1970s (in the case of Masada) and the late 1980s (in the case of Sha'r ha-Golan). This limited the ability of the kibbutzim to use both military and kibbutz inquiries to shape the perception of their roles in the 1948 War. The passive approach that characterized their behavior between 1949 and the early 2000s was the result of a conscious decision on their part. As chronicled in the fourth

section of this chapter, members of Sha'ar ha-Golan considered what to do to repair the reputation of their kibbutz as early as 1949, but the deliberations did not yield any substantial action. Masada was even more reticent to delve into its own past. A partial shift in this mode of (in)action finally took root in the early 2000s, when Masada and Sha'ar ha-Golan publically demanded public acknowledgment of their honorable role in the war for the first time. Their call to remove the mark of Cain did not lead, however, to systematic commemorative activity.

The Agranat Commission Report and the Making of the Israeli Memory of the Yom Kippur War²⁷¹

Forward

Forty years have passed since the end of the Yom Kippur War, yet it remains an open wound in Israeli history.²⁷² Scholars and laymen are in agreement that it is one of the biggest traumas in the history of the country, second only to the Holocaust. The human price of the war—some 3,000 soldiers killed in less than three weeks (October 6-24, 1973)—was unprecedented in Israeli military history.²⁷³ Immediately after the conclusion of the war, the Israeli public demanded answers to a number of issues. How could Israel have been surprised by Egypt and Syria on the holiest day of the Jewish calendar and who was responsible for the failures that led to the attack (*ha-mehdal*)? In the public sphere, additional questions arose that touched on the essence of Zionism, on the credibility of the Israeli leadership, and on Israel's chances for survival in the Middle East. This heated social atmosphere intensified in April 1974, when the state commission of inquiry that was set up to investigate the war (hereafter: “the Agranat Commission” or simply “the Commission”) submitted its interim report to the government.²⁷⁴

²⁷¹ A Hebrew version of this chapter was published in the journal *Iyunim* 23 (2013): 34-64.

²⁷² As Ze'ev Schiff mentioned in 1974, “the war of October 1973 has been variously called The Day of Judgment, The Day of Atonement, Yom Kippur, Ramadan and simply the October War.” To this list, one should also add the Egyptian code name “Operation Bader” (Spark) and the 1973 Arab-Israeli War. Since this study focuses on the effect the Agranat Commission has left on Israelis, I have chosen to use the most common Israeli name for the war, that is, the “Yom Kippur War.” Regarding this terminology, see Ze'ev Schiff, *October Earthquake* (Tel-Aviv 1974) vi; Saad El Shazly, *The Crossing of the Suez* (San Francisco 2003, revised ed.), 39, and Chaim Herzog, *The War of Atonement* (Tel-Aviv 1998), 56.

²⁷³ The 1948 War cost the lives of some 6,000 Israeli soldiers and it lasted longer than a year. On the periodization of the 1948 War, see the first chapter of Benny Morris's book, *1948: A History of the First Arab-Israeli War* (New Haven 2008). The number of Israeli troops who died in the Yom Kippur War is actually not entirely clear. Estimates vary between 2,297 and 2,653 men (see Ronen Bergman and Gil Meltzer, *The Yom Kippur War—Moment of Truth* [Tel-Aviv 2003], 507). The number of Arab casualties was significantly higher and is estimated to be about 15,000 men (Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* [New York 2001], 431). Added to these bleak numbers one should include the thousands of those who were physically and/or mentally wounded.

²⁷⁴ I use the term “interim report” to denote the report the Agranat Commission issued on April 1, 1974. On July 10, 1974, the Commission published a second interim report (The Agranat Commission, *Milhemet Yom Ha-kippurim, Din Ve-heshbon helki Nosaf: Hanemakot vеха-shelamot la-du'ah ha-Helki mi-Yom 9 Nisan Tashlad* (Hereafter, “Agranat, Reasoning and Completion” or “the Second Interim Report”), Two Volumes [Jerusalem 1974]). The Commission

Chaired by Chief Justice Simon Agranat, the Agranat Commission shook the Israeli political system to its foundation.²⁷⁵ The Commission recommended the immediate dismissal of a number of high-ranking officers, including IDF Chief of Staff, David (Dado) Elazar, Director of the Military Intelligence Branch (hereafter DMI), General Eli Zeira, and his deputy and director of the AMAN Research Department, Brigadier-General Aryeh Shalev.²⁷⁶ Conversely, the Commission exempted Prime Minister Golda Meir and Minister of Defense Moshe Dayan from any responsibility for the war, either personal or ministerial.²⁷⁷ This separation between the political and military echelons exacerbated the public demoralization characteristic of post-war Israeli society. It is, therefore, not surprising that the Commission is mostly remembered in the context of Israeli politics and the personal recommendations it did or did not make.²⁷⁸ Prior studies

submitted its third and final report to the government and to the Knesset Foreign Affairs and Defense Committee on January 30, 1975 (*Milhemet Yom-Hakippurim – Din Ve-Heshbon Shelishi ve-Aharon* (Hereafter, “Agranat, Third and Final”), Seven Volumes [Jerusalem, 1975]). The Israeli press quoted from and dealt extensively with the interim report immediately upon its publication in April 1974. Unlike this report, however, which the Commission made public, the *Second Interim Report* and the *Third and Final Report* were almost completely censored. The only parts of these latter reports that the Commission did make public were a handful of introductory pages, which the ‘Am Oved Publication House collected, along with the first report, and published as a book (*Du’ah Va’adat Agranat, Va’adat ha-Hakirah—Milhemet Yom Kippur* (hereafter, “Agranat, 1975”) [Tel-Aviv 1975]). Further details about the publication process of the *Agranat Report*, see below in the section “The Publication of the Agranat Report.”

²⁷⁵ In addition to Simon Agranat, the Commission was manned by four figures: Supreme Justice Moshe Landau, The State Comptroller Dr. Itzhak (Ernst) Nebenzahl, and two former IDF Chiefs, Major-General (Res.) Yigael Yadin, and Major-General (Res.) Haim Laskov. The Commission was assisted by a team of six men who collected written and oral evidence, and by two senior assistants, who both had military and scholarly backgrounds: Col. Yaakov Hisdai, who functioned as military researcher, and Major (Res.) Yoav Gelber, who was a scientific assistant. The secretarial staff was made of Justice David Bartov, and attorney Aharon Aminoff.

²⁷⁶ AMAN is a section of the IDF Directorate of Military Intelligence. It is the Hebrew acronym for Military “Intelligence Branch” or “Intelligence Wing.” Throughout the paper I use these terms interchangeably.

²⁷⁷ Broadly speaking, the term “ministerial responsibility” alludes to two questions: 1) which minister is constitutionally accountable for a certain governmental policy, and 2) whether a minister is personally responsible for failures that fall under the jurisdiction of his ministry. Regarding the separation that the Agranat Commission made between personal and ministerial responsibility, see Agranat, 1975, 44-51 and Avigdor Klagsbald, *Tribunals of Inquiry* (Jerusalem 2001), 332-338.

²⁷⁸ According to common Israeli wisdom, the Yom Kippur War and the Agranat Commission most significantly impacted the country's political and military ranks, as evidenced by the resignation of Golda Meir's government, and the personal recommendations the Agranat Commission did or did not make against state officials and military officers. Documentation of this notion is widely available. See, for example, the review of the effects of the *Agranat Report* on the website of the Israel Defense Forces and Defense Establishment Archives (hereafter, IDFA), at: <http://tinyurl.com/pc6tno9> (last visited on July 29, 2013); Ze'ev Schiff and Eitan Haber, eds., together with Arie Hashvia, associate ed., *Israel, Army and Defence* (Tel-Aviv 1976), 23; Morris, *Righteous Victims*, 441-443; Neil Asher

about the Yom Kippur War and its aftermath have concluded that the Commission was unable to significantly change the way in which the evaluations of national intelligence is formed.²⁷⁹ Nevertheless, the Commission did leave an enduring impact on Israeli political culture, in which commissions of inquiry are viewed as an important mechanism for safeguarding public ethics.²⁸⁰

This chapter suggests a new way of thinking about the Agranat Commission by focusing on the nexus between the Commission's activities and Israeli historical memory.²⁸¹ More specifically, it analyzes the process that enabled the Commission to coin what was to become the most common theory about the Yom Kippur surprise—the “Concept” of AMAN (*Ha-konseptziyah*)—and etch it into Israeli historical memory.²⁸² With its effects still felt to this day, I argue that this process is the Commission's most significant and enduring impact on Israeli society. The chapter tackles, then, three main questions: 1) how was the Concept formulated and

Silberman, *A Prophet from Amongst You. The Life of Yigael Yadin: Soldier, Scholar and Mythmaker of Modern Israel* (Reading, MA 1993), 331.

²⁷⁹ A cluster of the Commission's recommendations regarding the formation of Israel's national intelligence assessment is available in *Agranat*, 1975, 25-33. As scholar Shmuel Even noted, the recommendations of the Agranat Commission and other Israeli commissions of inquiry regarding the formation of the national intelligence assessment were mostly rejected. See Shmuel Even, “*Va'adot livdikot ha-Modi'in be-Yisrael: Madu'a Hamlatsotehen Hozrot 'al 'Atsman ve-enan Meyusamot*,” *Iyunim be-Modi'in* 1:1 (2007): 25-48. Also see Shlomo Sphiro, “Commissions of Inquiry as Agents of Change in Israeli Intelligence Community,” in *Commissions of Inquiry and National Security*, eds., Stuart Farson and Mark Phythian (Santa Barbara, CA 2011), 158-178.

²⁸⁰ The Agranat Commission was the first Israeli state commission of inquiry that led to the resignations of high-ranking state officials and military personnel. Using empirical data, Yifat Holzman-Gazit and Ra'anan Sulitzeanu-Kenan have pointed out that Israeli citizens expect commissions of inquiry to function first and foremost as “watchdogs” of public ethics, and only then to discover facts about the topics of their investigation. See the article by Holzman-Gazit and Sulitzeanu-Kenan, “*Emet o Bikoret: Emun ha-tsibur be-Va'adot Hakirah ve-Shinui 'Amadot be-Yahas la-'Eru'a ha-Nehkar—Duah Va'adat Winograd ke-Mikreh Bohan, Mishpat 'u-Mimshal* 13 (2011): 225-270.

²⁸¹ Throughout the chapter I use the terms “historical memory” and “historical discourse” interchangeably. By using these inclusive terms I have in mind different kinds of memories, including the official memory of the Israeli establishment, autobiographical memories of war veterans, cultural memory that receives expression in literature, movies, and theatre, and historical memory, which is available in the historical manuscripts of professional and non-professional scholars. About these kinds of memories, see Rafi Nets-Zehngut, “Israeli Memory of the Palestinian Refugee Problem,” *Peace Review: A Journal of Social Justice* 24:2 (2012): 187-189; Idem, “The Passing of Time and the Collective Memory of Conflicts,” *Peace and Change* 37:2 (2002): 253-25. Also relevant here is the editors' introduction by Motti Neiger, Oren Meyers and Eyal Zandberg, eds., *On Media Memory: Collective Memory in a New Media Age* (New York 2011), 1-24 and the chapter by Henry Rousso, “The Confusion Between Memory and History”, *ibid*, *The Hunting Past: History, Memory, and Justice in Contemporary France* (Philadelphia 1998), 1-24.

²⁸² Throughout the chapter I capitalize the term “Concept” when I refer to the specific Israeli use of the word.

appropriated by the Agranat Commission? 2) What enabled the Commission to embed the Concept into Israeli historical memory? and 3) How has the Concept's ubiquity affected the historiography regarding the war? This chapter concludes that the Agranat Commission functioned primarily as an agent of history, memory, and language.²⁸³

Introduction

It was the Agranat Commission that first introduced the Israeli public to the "Concept" of AMAN. According to the Commission, the key to understanding the Yom Kippur War lay in the intelligence failure that preceded it, especially the stubborn adherence of AMAN's chiefs to the Concept. According to the Commission, the Concept was built on the belief that Egypt and Syria would not wage a comprehensive war against Israel until the Egyptian Air Force was able to neutralize the supremacy of the Israeli Air Force. More specifically, the Commission detailed three main pillars on which the Israeli intelligence failure rested:

First, the stubborn adherence [of the intelligence bodies] to what *they referred to* as the 'concept', according to which a) Egypt would not go to war against Israel unless it was first convinced of its aerial capability to strike deep within Israeli territory, especially Israeli primary airstrips, in order to paralyze the Israeli air force, and b) Syria would not launch a large-scale attack on Israel unless it was able to do so simultaneously with an Egyptian attack.²⁸⁴ Second, General Eli Zeira promised to give the IDF sufficient warning

²⁸³ As a state mechanism that coined a central term for understanding the Yom Kippur War, the Agranat Commission embodies the conceptual model sociologist Gary Alan Fine developed about reputational entrepreneurs. See his book *Difficult Reputations: Collective Memories of the Evil, Inept, and Controversial* (Chicago and London 2001). Furthermore, the Commission actually became a "site-of-memory," a term that is borrowed from the work of Pierre Nora, "Between Memory and History: Les Lieux de Mémoire," *Representations* 26 (1989): 7-24.

²⁸⁴ *Agranat*, 1975, 19 (emphasis added). It should be noted that the Agranat Commission criticized AMAN chiefs' "stubborn adherence" to the Concept, and not the existence of an intelligence concept in general. As scholars of different disciplines have stressed, conceptions, paradigms, and premises are part and parcel of the human way of

with regard to the enemy's intentions to wage a comprehensive war²⁸⁵ Thirdly, in the days preceding the Yom Kippur War, AMAN had had ample information [about the upcoming war, yet] AMAN and the DMI did not read these signals correctly, due to their dogmatic adherence to the Concept.²⁸⁶

According to the Agranat Commission, therefore, the Concept was the original sin that led to the conflict of October 1973. The Commission acknowledged the fact that the above-mentioned premises regarding Egypt's state of war readiness prevailed in AMAN even before Zeira was appointed DMI in October 1972. It also recognized that in the months preceding the war, Zeira did not reject the possibility that Israel's neighbors might attack.²⁸⁷ This did not stop the Commission from recommending Zeira's dismissal from AMAN.

Archival sources only recently released indicate that the Commission's assertion that military intelligence referred to the Concept when using the term "concept" is incorrect. Indeed, some intelligence personnel, including Brigadier-General Shalev, notified the Commission that

thinking when faced with uncertainty. See, for example, Samuel Huntington, *Clash of Civilizations and the Remaking of World Order* (New York 1996), 29-31, and Daniel Kahneman's landmark studies about decision making, *Thinking, Fast and Slow* (New York 2011). About the necessity of having an intelligence concept, see Yoel Ben-Porat, "Ha-'Arkhot Modi'in—Madu'a hen Korsot" in *Intelligence and National Security*, Zvi Offer and Avi Kober, eds. (Tel-Aviv 1987), 223-251; Colonel Itai, "Sede ha-Mokshim shel ha-Modi'in: Hovat Ketsin ha-Modi'in 'al pi Va'adot Hakirah," in *Ha-Modi'in veba-Kevarnit*, eds., Orna Kazimirsky, Nava Grossman-Aloni, and Aludi Sari (Tel-Aviv 2004), 93; Uri Sagi, *Lights within the Fog* (Tel-Aviv 1998), 124-131, 144-145, and Aharon Ze'evi Farkash and Dov Tamari, *To the Best of our Knowledge* (Tel-Aviv 2011), 218-219.

²⁸⁵ Agranat, 1975, 19, and compare to Agranat, *Reasoning and Completion*, 64, 69, 71-72. Intelligence expert Uri Bar-Joseph also stresses that prior to the war, Zeira led Israeli leaders to believe that he could alert them about an Egyptian crossing of the Suez Canal soon enough to enable the IDF to enlist enough reserve forces to block the attack. See Uri Bar-Joseph, *The Watchmen Fell Asleep* (Lidia 2001), 117. Zeira, on his part, has insisted that he never pretended to know the enemy's intentions, although he was well aware of the enemy's actions. See his book, *The October 73 War: Myth Against Reality* (Tel-Aviv 1993), 80-81. In 2004, Zeira published a new edition of his book that was titled *Myth versus Reality* (Tel-Aviv 2004).

²⁸⁶ Agranat, 1975, 19. Interestingly enough, according to a House Select Committee, the CIA also failed to anticipate the outbreak of the Yom Kippur War due to its adherence to a number of incorrect premises. About the "American Concept," which was different than the one held by AMAN, see The United States Congress, *The Pike Report*, (Nottingham 1977), 141-148.

²⁸⁷ Agranat, 1975, 4. One should note that Eli Zeira dismisses the claim that he "adopted" the concept (Zeira, *The October 73 War*, 240).

the term “concept” was nowhere to be found in the language of the IDF Intelligence Branch prior to the war. This point opens a window into the three questions that stand at the heart of this chapter.

The answers to these questions uncover a complex historical process at the end of which the Agranat Commission rendered the Concept the central explanation for the Yom Kippur War. The process included the prolonged publication of the *Agranat Report*, which started in 1974 and continued well into the 2000s²⁸⁸; the personal recommendations the Commission did or did not make about state officials; the focus of the Commission on the failures and mishaps of the IDF (rather than on its successes and accomplishments); and the mandate that the government gave to the Commission, as well as the manner the Commission chose to read it. The most important factor enabling the Commission to sear the Concept into Israeli historical memory was contained in the term “concept” itself, which appeared to encapsulate AMAN’s work on the eve of the war. In practice, however, General Zeira only used that term as shorthand to describe how he and AMAN understood the Egyptian war plan. Thus, the term “concept” cannot, and should not, be used to express the complexity of the work of AMAN prior to the war.

To make these points clearer, the chapter is constructed as follows: The first part describes the dynamic that brought the term “concept,” as presented in the *Agranat Report*, to prominence. The second section examines some of the major factors and circumstances that made the Concept into a common explanation for the war. The third and final part of the chapter seeks to demonstrate how the historiography about the war reflects the dominance of the Concept in Israeli historical memory. Yet, in the period between the end of the War (October 1973) and the publication of the

²⁸⁸ As I explained in footnote 4, and as will be further explained below, the Agranat Commission published three reports in a process that has not yet completed. Therefore, I use the term “Agranat Report” as an inclusive term that refers to any output the Commission issued.

interim report in April 1974, intelligence affairs in general, and the Concept in particular, were not necessarily viewed as the main factors leading to the outbreak of war.

“What You Call a Concept”

As mentioned above, the Commission offered three reasons for the intelligence failure. First was the “stubborn adherence [of the intelligence bodies] to what *they referred to* as the ‘concept.’”²⁸⁹ Interestingly enough, according to the recently published protocols of the Agranat Commission, AMAN personnel did not use the term “concept” prior to the war. In his testimony before the Agranat Commission, the director of the AMAN Research Department, Aryeh Shalev, testified that AMAN had assumed a “low probability” for war due to the limited capabilities of the Egyptian Air Force.²⁹⁰ However, Shalev dismissed the notion that he and AMAN were beholden to a dogmatic concept. In a dialogue with Commission member Yigael Yadin, Shalev explained AMAN’s error as a lack of sufficient information:

Yadin: Since you were wrong, what in your opinion, misled you: bad information, an incorrect assessment, bad concept, a lack of [mental] flexibility, or improper organization? That’s what we are interested in. Do you have an answer to this question or not? . . . Didn’t you have [enough] information? You said, “Yes, there was [enough] information.”²⁹¹

²⁸⁹ *Agranat* 1975, 19 (emphasis added).

²⁹⁰ IDFA 12-383/1975, 2136 and 2150. The Commissioners and the individuals who testified before them obviously used “spoken language,” which is sometimes unclear on paper. By translating Hebrew protocols into English I have tried to make the text as readable as possible. Hence, I allowed myself to make some minor amendments in the text to make it more coherent, such as correcting grammatical mistakes and discarding unnecessary repetitions.

²⁹¹ IDFA 7-383/1975, 1153. The session was held on December 12, 1973.

Shaley: I have tried to explain that the information which was available to us was not good enough to reach the conclusion about a war on [October] 6 I think that we did not have enough information to reach this conclusion.²⁹²

Later in his testimony, Shalev was also asked about the Concept by Major-General (Res.) Haim Laskov, who assumed, or determined, that AMAN had clung to a failed concept:

Laskov: You [AMAN's Research Department] created a concept that according to your reading was correct as of 1971, 1972, and April-May 1973. You thought it should also be relevant in September-October 1973 You formed the concept and were captured by it.

Shaley: If someone gets the impression that someone sat down and came up with a kind of concept to which he [later] clung, and could not get over it, then I think that this impression is wrong The point here is that we did not define a concept for ourselves, and then simply follow it. [Rather] we received new information regularly and examined ourselves [our assessments] in light of this data By the way I normally don't use the term concept. I don't know how this term got here. I say evaluation.²⁹³

In return, Yadin remarked that Shalev's final comment was no more than a "philosophic" argument about semantics.²⁹⁴ "However," Yadin added, "I shall give you an example of a concept, [what] I

²⁹² Ibid, 1555. In another part of his testimony, Shalev raised other explanations for the failure. See IDFA 12-383/1975, 2150, 3233 and compare to Shalev "Modi'in Be-mivhan: Edut Ishit," in *Thirty Years Later*, ed., Anat Kurz (Tel-Aviv 2004), 18. Years later, Shalev retrospectively noted that "it is clear that an assessment of impending war should have been made on 5 October 1973." Aryeh Shalev, *Israel's Intelligence Assessment before the Yom Kippur War: Disentangling Deception and Distraction* (Brighton and Portland 2010), 227.

²⁹³ IDFA 12-383/1975, 2140-2144. The session was held on December 16, 1973.

²⁹⁴ During the investigation of Yair Algom, who directed the Research Department of the Israeli Ministry of Foreign Affairs, Yadin was interested in "semantics." The minutes of the relevant session are available online (see 392): http://www.archives.mod.gov.il/Pages/Exhibitions/Agranat2/YairAlgom/mywebalbum/index_3.html (last visited on July 20, 2013).

call a concept. [If you wish] you can call it “evaluation.” You must check everything That’s what I call an intelligence concept Even [when there is] a concept, one should check whether it is right [or wrong].”²⁹⁵

It is conceivable that, in the course of the hearing, the discussion about terminology might have appeared to be insignificant semantics. In light of the ongoing debate about the interim report and the Concept, however, Yadin’s words took on a different complexion. In fact, following the work of the Agranat Commission, the term “concept” became part of Israeli military terminology, and assumed a life of its own well beyond intelligence affairs.²⁹⁶ Hebrew speakers frequently use the term to denote a wide range of fields and topics not necessarily connected to the Yom Kippur War. As historian Ze’ev Tsahor argues the term “concept” denotes a symbolic turning point in Israeli history. It marks the beginning of a new post-Zionist era, in which Israeli citizens and scholars began to raise doubts regarding Zionist pioneer values, the credibility of Israeli leaders, and their willingness to make peace with Arab and Muslim countries.²⁹⁷

Shalev’s assertion that AMAN personnel did not use the term ‘concept’ is confirmed by the testimony of Simantov Benjamin. This low-ranking officer belonged to a small group of intelligence personnel who rejected the official assessment that there was a “low probability” of war. Convinced that a war was indeed about to break out, these men were courageous and

²⁹⁵ IDFA 12-383/1975, 2145-2146.

²⁹⁶ Definitions of the term “Concept” are available, for example, in Amos Gilboa, Ephraim Lapid and Yossi Erlikh, eds., *Masterpiece* (Tel-Aviv 2008), 269; Eitan Haber and Ze’ev Schiff, *Yom Kippur Lexicon* (Or Yehudah 2003), 365-366, and Gideon Avital-Eppstein, *The Yom Kippur War: A Battle over the Collective Memory* (Jerusalem and Tel-Aviv 2013), 254-255.

²⁹⁷ Ze’ev Tsahor, “Me’ever le-Dimdumei ha-Ethosim ha-Meyasedim,” in *Thirty Years Later*, ed., Kurz, 104. An alternative identification of the definitive turning point in Israeli history instead of the Yom Kippur War would be the Six Day War. For more about post-Zionism, see Tom Segev, *The New Zionists* (Jerusalem 2001); Tuvia Friling, ed., *An Answer to a Post-Zionist Colleague* (Tel-Aviv 2003); Pinhas Ginossar and Avi Bareli, eds., *Zionism: A Contemporary Controversy: Research Trends and Ideological Approaches* (Sede Boker 1996).

responsible enough to share their views and concerns with their commanding officers. Their calls fell on deaf ears.²⁹⁸ As Benjamin stated in his testimony:

Here I would like to elaborate on my argument about the [outbreak] of the war. You would surely be surprised to hear that [prior to the war] I did not know that AMAN had a concept. You disclosed it in the interim report. The Concept was never put on paper. No document indicated that AMAN had such a Concept. However, as an officer in the southern command, when I was just beginning to serve as a squad commander, I tried to analyze the available data—that's the first thing one does when evaluating the [enemy's] posture.²⁹⁹

Thus, contrary to what the Agranat Commission report says, AMAN personnel did not use the term “concept” in reference to a national intelligence assessment prior to the war. The commonly accepted understanding of the intelligence failure was unknown to the people whom the Commission held responsible for creating the Concept. This raises the question of why the Commission insisted that the intelligence bodies referred to the Concept. The answer to this question is found in the testimony of AMAN Chief, Eli Zeira.³⁰⁰

Unlike his deputy, Brigadier-General Shalev, who rejected the idea that AMAN personnel used the term “concept,” General Zeira used the term loosely in his testimony. This was Zeira's way of encapsulating his complex ideas and simplifying them for the commissioners, who were

²⁹⁸ About these alerts, see Elhanan Oren, *Toldot Milhemet Yom Ha-Kippurim* (Tel-Aviv 2004), 49; Shmuel Gordon, *Thirty Hours in October* (Tel-Aviv 2008), 169-174. Further details about the topic are available in Ze'evi-Farksh and Tamari, *To the Best of our Knowledge*, 108, and in the section by Haim Laskov “*Modi'in Sade, Nitsulo veba-'Arkhatu Erev Milhemet Yom ha-Kippurim,*” in *Agranat, Reasoning and Completion*, 398-423.

²⁹⁹ IDFA 30-383/1975, 6161. The session was held on May 9, 1974.

³⁰⁰ The Israel Defense Forces and Defense Establishment Archives only published the minutes of Eli Zeira's testimony on October 31, 2013, a few months after I completed the writing of this chapter. As a result, Zeira's quoted remarks in this chapter are borrowed from *Agranat, Reasoning and Completion* and not from the aforementioned minutes. It is, however, important to mention that the said minutes only support and strengthen the arguments raised in this chapter.

not particularly familiar with AMAN's work. The Commission, therefore, partly accepted Zeira's testimony. It adopted his choice of terminology, while rejecting the underlying explanation of the term itself. As a result, the Commission held Zeira personally responsible for the intelligence failure.

In his testimony, Zeira emphasized that, prior to the war, AMAN adhered to a number of basic suppositions concerning the enemy's intentions to wage war:

The research personnel came to me and formulated a concept, which made sense to me. The question I ask[ed] myself was [as follows]: Where is my insurance in case the researchers are wrong? My guarantees were [a number of highly reliable sources] and I told myself: assuming that they are wrong, then I must have an unequivocal indication that they are wrong . . . that's the whole *Torah* on one foot. [Since] there is a concept, one should come with facts that undermine it. I have here [outstanding sources] which give me an indication of whether this concept is valid or undermined. That's exactly the essence of essence of my entire thought.³⁰¹

Zeira also addressed the concept at another point:

According to our concept—what the Egyptians basically saw as a [pre]-condition [for war] was the possibility of neutralizing our air force. [Their] challenge was not throwing three bombs on Tel-Aviv, but rather neutralizing the air force. Hence, we believed [they] needed five [fighter] squads.³⁰²

³⁰¹ *Agranat, Reasoning and Completion*, 64 (quoted from the session of December 9, 1973), and compare to Daniel Asher, *Breaking the Concept* (Tel-Aviv 2003), 80, 82. One should also note that Zeira had already used the term "concept" in his initial testimony, on November 27, 1973. (Zeira testified before the Commission no less than seven times). Regarding the "certain sources" mentioned above see note 371 below.

³⁰² *Agranat, Reasoning and Completion*, 61. The session was held December 12, 1973.

AMAN assumed that Egypt was unable to launch a massive aerial attack on Israel until the Soviet Union provided it with five fighter squads and ‘Scud’ surface-to-surface missiles. This armament transfer was expected to be completed in the later months of 1975. The outbreak of the Yom Kippur War in October 1973 indicates, however, that at some point AMAN’s assessment was flawed. The question of when exactly this happened has no clear answer. According to Uri Bar-Joseph, the last hurdle on the path to war was removed in late October 1972, when President Sadat replaced Mohammed Ahmed Sadek with General Ahmad Ismail Ali as Minister of War.³⁰³ Meanwhile, former Mossad chief Zvi Zamir argues that the turning point in the Egyptian war plan occurred in February 1973.³⁰⁴ Former DMIs Chaim Herzog and Eli Zeira trace the shift to April 1973,³⁰⁵ and historian Yoav Gelber argues that the Concept collapsed in a three-phase process that ended in April-May of the same year.³⁰⁶

One should distinguish between the questions of when Egypt decided to wage war against Israel without the aerial capacity to strike deep into Israeli territory and when Israeli intelligence was able, if at all, to realize that shift had taken place.³⁰⁷ The activation of the Israeli “Blue-White” state of readiness in May 1973, indicates that at least several high-ranking Israeli officials, including the Minister of Defense, the IDF Chief-of-Staff, and the director of Mossad had determined early in 1973 that Egypt was prepared to wage war by the spring. This estimation

³⁰³ Bar-Joseph, *The Watchman Fell Asleep*, 124-125.

³⁰⁴ Zvi Zamir, *With Open Eyes* (Or Yehuda 2011), 176.

³⁰⁵ Chaim Herzog, *The War of Atonement* (Tel-Aviv 1997), 48, and compare to the lecture Zeira delivered regarding “The Concept and the Surprise,” available in Hayim Ufaz and Yaakov Bar-Siman-Tov, eds., *Milhemet Yom Ha-Kippurim—Mabat Mihadash* (Jerusalem 1999), 70.

³⁰⁶ Yoav Gelber, “The Collapse of the Israeli Intelligence’s Conception,” *Intelligence and National Security* (2012), 10. According to Yeshayahu Ben-Porat, the Concept collapsed in late May 1973. See Ben-Porat et al *Ha-mehdal* (Tel-Aviv 1974), 13.

³⁰⁷ About the Egyptian war plan, see Aharon Ze’evi, *Ha-Ona’ah ha-Mitsrit be-Tokhnit Milhemet Yom ha-Kippurim* (Tel-Aviv University, 1980).

corresponds with the conclusion of the Agranat Commission, according to which Egypt deserted its original war plan in the spring to wait for substantial Soviet military aid.³⁰⁸

Significant as the intelligence failure was, the Commission encapsulated a complex array of military strategies into a single word—Concept—which became a common theory for understanding the Yom Kippur surprise. It may well be that Zeira was right in arguing that the Commission described the run-up to war in too simplified and inaccurate a manner.³⁰⁹ Nevertheless, by giving his testimony, Zeira unintentionally helped the Commission to simplify this background, and turn the term “concept” into the explanation for the Yom Kippur surprise. The next part of the chapter looks at some of the primary factors and circumstances that enabled the Concept to infiltrate Israeli historical memory.



Figure 5 - The Agranat Commission in its first meeting (sitting from the left): Yigael Yadin, Moshe Landau, Simon Agranat, Itzhak (Ernst) Nebenzahl, and Haim Laskov. (Photographer: Ya'acov Sa'ar)

³⁰⁸ *Agranat, Reasoning and Completion*, 83 (emphasis added). By making this point, the Commission actually set the stage, most likely unconsciously and unintentionally, for an argument Eli Zeira raised years later about the “Egyptian Concept.” See notes 380 and 381 below.

³⁰⁹ *Zeira, The October 73 War*, 76. One should not read this comment as if I accept each and every argument Zeira raises against the Agranat Commission.



Figure 6 - AMAN Chief, Gen. Eli Zeira

Photos are courtesy of the Government Press Office and the Israeli Defense Forces and Defense Establishment Archives

Factors and Circumstances that Enabled the Commission to Elevate the Concept

Gradual Publication Process

There is something misleading in the term “Agranat Report,” which for decades, in practice, referred only to the interim report. Presented to the Israeli government on April 1, 1974, this booklet of about forty pages was widely discussed on the front pages of Israeli newspapers immediately upon its publication.³¹⁰ Moreover, the Israeli press quoted large chunks of it word-for-word. On July 10, 1974, the Commission issued a second interim report, which, unlike the first interim report, was almost completely censored.³¹¹ Out of 423 pages, divided into two volumes, the Commission approved the publication of no more than six introductory pages. By doing so, it

³¹⁰ Agranat, 1975, 10-51.

³¹¹ Agranat, *Reasoning and Completion*.

exercised its legal right to censor its reports if it was deemed in the interest of state security, as well as for other considerations such as safeguarding morality. The third and final *Agranat Report*, which the Commission submitted to the government and the Knesset Foreign Affairs and Defense Committee on January 30, 1975, covers 1,511 pages and is divided into seven volumes.³¹² As is true of the second report, its contents were heavily censored and inaccessible to the general public. The introduction that the Commission did make public does not offer any substantial information about the war or about the published parts of the prior reports. The only people allowed to review the final report—besides the government ministers and Knesset members—were high-ranking officers who read the report at certain IDF facilities. The decision to allow these officers access to the report was taken by the Commission, the IDF Chief-of-Staff and the Minister of Defense, although the decision was only partly implemented. There were two main reasons for that: 1) little interest on the part of the officers, who often did not take the time and effort to read the report, and 2) the fact that the officers were not required to read the report by clear orders.³¹³ The sections of the three reports that the Commission made public, however, attracted much public interest. As a result, in 1975, the *Am Oved* publication house compiled and published them as a book.³¹⁴

With the submission of the third and final report, the Commission completed its research and production process, which lasted fourteen months. During this time, it held 156 meetings, heard the testimonies of ninety witnesses, and received additional evidence from 188 IDF personnel. The Commission took strict security measures to safeguard its work. Its meetings,

³¹² *Agranat, Third and Final*, 8-9 (of the introduction). About the legal right of Israeli state commissions of inquiry to publish or censor their reports, see section 20 of the Israeli Commissions of Inquiry Law, 5729-1968. See also, Klagsbald, *Tribunals of Inquiry*, 317-318.

³¹³ The IDF Chief of Staff approved the decision to allow high-ranking officers to read the *Agranat Report* on March 6, 1975. One should compare this document to The Israeli Knesset, *Knesset Protocols 73* (Jerusalem), March 11, 1975, 2090.

³¹⁴ *Agranat*, 1975.

which were held in Jerusalem, were closed to the public and media alike. The Commission insisted on not making public any part of its deliberations, and refused to make known the list of witnesses who were subpoenaed to testify, let alone excerpts of their testimonies. Even the stenographers who took notes during the hearings were replaced every few minutes. This was the Commission's way to ensure that no one, except for the five commissioners, was exposed to all of the available evidence.³¹⁵

The partial publication of the third and final report was made possible due to a petition brought by the daily newspaper *Ma'ariv* before the Supreme Court in 1993.³¹⁶ In that year, which marked the twentieth anniversary of the war, the newspaper demanded that the government declassify the contents of the report about which the public was most curious. The court ruled in favor of *Ma'ariv*. It was not a difficult case to make since Prime Minister and Minister of Defense Yitzhak Rabin and the IDF Chief-of-Staff Ehud Barak, did not object to the petition. In an interview Barak gave to the IDF Radio *Galei Tzahal*, he argued that the publication of the report would not drastically change public knowledge of the war, and that the value of the publication lay in the act of publication itself.³¹⁷

³¹⁵ General Shmuel Gonen (Gorodish) raised harsh accusations against the policies and regulations of the Commission even before it published its final report. See two petitions Gonen submitted to the Supreme Court: 1) High Court Jurisdiction (hereafter, HCJ) 128/74 *Shmuel Gonen v. The Commission of Inquiry—Into the Yom Kippur War* (Pesak Din 28 (2), 80, (1974), and 2) HCJ 469/74, *Shmuel Gonen v. The Commission of Inquiry* (Pesak Din 29 (1), 635, (1974). In them, Gonen focused on what seemed to him as the narrowing way in which the Commission read Section 15 of the Israeli Commissions of Inquiry Law, 5729-1968. (This section concerns the legal right of witnesses who may be harmed by the work of a certain commission of inquiry.) The Supreme Court rejected both petitions. It should be noted that the Agranat Commission's interpretation of Section 15 sparked lively debate among legal scholars. See Shimon Shitrit, "*Va'adat ha-Hakira—Milhemet Yom ha-Kippurim: Ha-Ma'azan ha-Kolel le-Khaf Zekhut*," *Mishpatim* 8:6 (1977): 74-90; Ruth Gavison, "*'Al Perusho ha-Nakhon shel Se'if 15 le-Hok Va'adot Hakirah*," *Mishpatim* 6:3 (1976): 548-562; Gidon Ginat, "*Hit'arvut Bagats be-Diyune Va'adot Hakirah*," *Ha-Peraklit* 3:30 (1976): 185-201. Retrospectively, the Commission's reading of Section 15 also led to the second amendment of the Israeli Commissions of Inquiry Law, 5729-1968. See the reasoning for the Second Amendment, *Commissions of Inquiry Bill* [1383], 1979.

³¹⁶ HCJ 5088/93 *Ma'ariv v. The State of Israel*.

³¹⁷ Barak was interviewed by journalist Moshe Shlonsky on September 23, 1993. A transcript is available in IDFA 177-2224/1994. It should be noted that Yigael Yadin had already called for the final report's publication in 1979, while serving as Deputy Prime-Minister. See *Ma'ariv*, February 27, 1979, 2.

In July 1994, the government oversaw the publication of the *Agranat Report*—excluding the parts that dealt with “information, sources, and working methods of the Intelligence Corps and the IDF.”³¹⁸ It took about a year of hard work for the Field Intelligence Department of the IDF General Staff to edit the report and make it ready for publication. This task was completed in January 1995, when the report was made available for scholars at the facilities of the IDF and Israel Defense Establishment Archives (IDFA). This edition of the report omitted forty-eight pages that dealt exclusively with intelligence affairs. Security considerations and a concern for the privacy of IDF personnel mentioned in the report dictated that many additional details were left out of the edited report.³¹⁹ Partial as this publication was, scholars were now able to integrate parts of the report in their studies and get a better sense of which facets of the war the Commission did or did not investigate.³²⁰ This major step in making the *Agranat Report* public did not complete, however, the saga of its publication.

In September 2006, a spokeswoman for the Ministry of Defense announced the publication of a more comprehensive edition of the *Agranat Report*. This was made public in January 2007.³²¹ The gap between the 1995 and 2007 editions is quite substantial.³²² Benny Michelsohn, who directed the IDF History Department between 1987 and 1993, notes that so much content was omitted from the 1995 edition that it did not genuinely reflect the Agranat Commission’s view of

³¹⁸ See Regulation 5611 of the 25th Israeli Government, “Commissions of Inquiry Edict” (*Heter’Iyun be-Din ve-Heshbon shel Va’adat Hakirah*), 1994.

³¹⁹ The numeration of the *Agranat Report* as published in 1995 was the original numeration. In other words, it gave the sense of the original scope of the report and the omissions alike. I owe this note to Col. (Res.) Benny Michelsohn, the President of the Israeli Commission of Israeli History, who was kind enough to share with me his work about the *Agranat Report* (Michelsohn, *Du’ah Va’adat Agranat, ha-Pirsum la-Tsibur*, July 2007. To be published).

³²⁰ One important example of that would be the outstanding study by Shmuel Gordon about the performance of the Israeli Air Force during the war (a topic that the Agranat Commission barely touched). See Gordon, *Thirty Hours in October*, 14.

³²¹ The announcement of the Ministry of Defense spokeswoman is available online at: http://www.mod.gov.il/pages/general/pdfs/Vaadat_Agranat.pdf (last visited on July 29, 2013).

³²² Michelsohn, *Du’ah Va’adat Agranat*.

AMAN's work. In contrast, the 2007 edition is an outstanding source regarding the work of the Israeli Intelligence Corps on the eve of the war. This leads to the conclusion, that as more and more parts of the final report were published, the importance of the interim report as historical source material about the war (e.g. about the readiness of the IDF prior to the war and orders given on the battlefield) diminished. Nevertheless, the first interim report is invaluable for understanding the nature of Israeli historical discourse about the war.

The readership of the third report was mostly scholars, who either availed themselves of the IDFA's facilities or purchased a copy of the report.³²³ Still, much source material about the Yom Kippur War and the Agranat Commission remained behind closed doors at the Israel State Archives (ISA) and the IDFA. Ironically, while the Yom Kippur War is the most documented war in the history of the State of Israel, the historical discourse about it is characterized by the lack of primary source availability.³²⁴ A recent example of the military's sensitivity to the topic is the publication of *Crossing* by Amiram Ezov.³²⁵ The book about the crossing of the Suez Canal by IDF troops was initiated by the IDF History Department, which commissioned the study from Ezov more than a decade earlier. At some point, the department decided to shelf the book, with the IDF accusing Ezov of violating his contract. The publication of the book was made possible in 2011 after the Tel Aviv District Court dismissed the IDF's claims.³²⁶ As some observers have

³²³ The *Agranat Report* was uploaded onto the IDFA Website only in 2012:

<http://www.archives.mod.gov.il/pages/Exhibitions/agranat/1/album/index.html#>

³²⁴ Ronen Bergman and Gil Meltzer address this topic in a book they published toward the thirtieth anniversary for the war (*The Yom Kippur War*). The two have gone so far as to argue that "The IDF does not believe in the public's right to know," and that the IDF History Department deliberately and unjustifiably hides information from the public for thirty years (ibid, 20, 490). Besides being exaggerated, the claim rings false when one considers the extent of Bergman's writings about the IDF and other arms of the Israeli security system. The content of his books and articles strongly suggest that he maintains a close ongoing connection with the Israeli defense establishment, which seems to provide him with an ample amount of information.

³²⁵ Amira Ezov, *Crossing* (Or Yehuda 2011). Like the book by Shmuel Gordon about the Air Force (*Thirty Hours in October*) the book by Ezov also falls into the category of studies that engage in topics the Agranat Commission did not touch or touched very lightly.

³²⁶ Tel-Aviv District Court 10-08-23835, *The State of Israel v. Dr. Amiram Ezov (Dinim Mehozi)*, 140, 459, 2011).

noted, the case between the IDF History Department and Ezov was, in practice, not about a alleged violation of a contract between an employer and employee, but rather about academic freedom.³²⁷

Three years after the court made its judgment, thousands of pages of protocols and additional source material about the war and the Agranat Commission are still not available to scholars. The Commission itself suppressed the minutes of its deliberations for a period of thirty years.³²⁸ Nevertheless, the Commission recommended that the president of the Supreme Court approve the publication of the minutes at the end of this period, with the exception of specific excerpts that would continue to be confidential for national security reasons. The authority to decide which excerpts should be published was to be given to “a special committee” assigned by the government and approved by the Knesset.³²⁹ This recommendation was only partly approved in 2005 and led to the fifth amendment of the Israeli Commissions of Inquiry Law, 5729-1968.³³⁰ This amendment grants the prime minister (but not the entire government) the authority to set up the aforementioned “special committee,” which would consider the publication of the Agranat Commission’s minutes, as well as those of additional state commissions of inquiry.

As a result of this amendment, the thirtieth government of Israel created a public committee to address the matter of the Agranat Commission minutes. Since its inception in 2005, this committee, spearheaded by Chairman Justice Yitzhak Engelhard, has gradually approved the publication of about fifty testimonies, which have attracted substantial public interest.³³¹ When the

³²⁷ Yossi Melman, “*Kerav Hozer ‘al ha-Tslihah*,” *Haaretz*, 26 May, 2011, and compare to Ronen Bergman, “*Tslihah she-Katavti*,” *Yediot Ahronoth*, Weekend Section, 24 June, 2011.

³²⁸ *Agranat, Third and Final*, page 8 (of the introduction).

³²⁹ *Ibid*, 9.

³³⁰ Section 24b of *The Israeli Commissions of Inquiry Law, 5729-1968* (548). The Knesset Committee of Constitution, Law and Justice approved the Fifth Amendment by the end of prolonged deliberations (See Protocol 385 of January 12, 2005; Protocol 386 of January 18, 2005 and Protocol 391 of January 24, 2005). The recommendation the Agranat Commission made to involve the President of the Supreme Court in the process of publication of minutes of state commissions of inquiry was rejected.

³³¹ Two additional members of the Engelhard Committee are Moshe Vardi and Ya’akov Amidror. The official decision to set up this committee—Resolution 3317 of the 30th Government—is available online at

IDFA published a collection of Commission testimonies on its website in 2012 and 2013—which included excerpts of the protocols of Prime Minister Golda Meir and tens of military officers—the minutes of these testimonies made headlines in several newspapers and television channels.³³² Some of its critics, like journalist Ronen Bergman, feel the Committee has not made enough of an effort to give the public full access to the government’s historical records.³³³

Notwithstanding the slow pace of publication of key sources about the war and the Commission, one should bear in mind that the public and scholarly debate is quite lively, to say the least. As scholar Uri Bar-Joseph recently noted, “[T]hirty-nine years after the outbreak of the Yom Kippur War, it is hard to find actual lacunae in historical studies about the war.”³³⁴ In comparison to debates in those countries on the opposing side in 1973, Israeli discourse about the Yom Kippur War is quite open and liberal.³³⁵ The hesitation of the Israeli defense establishment to publish primary source material related to the Agranat Commission, therefore, stands in contradiction to a vibrant public and scholarly discourse about the war.

<http://www.pmo.gov.il/Secretary/GovDecisions/2005/Pages/des3317.aspx> (last visited on July 29, 2013). The minutes of the testimonies given before the Agranat Commission cover about 9,000 pages.

³³² The process of uploading the minutes of the Agranat Commission began in 2008. Most of these protocols are available at: <http://www.archives.mod.gov.il/pages/Exhibitions/agranat2/exb.asp> (last visited on July 29, 2013).

³³³ Ronen Bergman, “*Akshav Nizkarim*,” *Yediot Ahronoth*, Weekend Section, September 21, 2012, 6. As historian Keith Wilson notes, governments, including democratic ones, most often view official records as their own private property. As a result, they tend to postpone the publication of archival materials. See Keith Wilson, “Governments, Historians, and ‘Historical Engineering,’” in *Forging Collective Memory*, *ibid*, ed. (Providence, RI 1996), 1-23, and compare to Rousso, *The Hunting Past*, 35.

³³⁴ Uri Bar-Joseph, “*Ha-Mehdal she’od lo Nehkar*,” *Haaretz*, September 25, 2012, 20.

³³⁵ A prominent example of this matter would be the story of Lt. General Saad El-Shazly, who was the Chief-of-Staff of the Egyptian Armed Forces during the Arab-Israeli War of October 1973. Originally published in Arabic in 1979, the Egyptian authorities banned Shazly’s book *The Crossing of the Suez* on the same year (see Shazly, *The Crossing of the Suez*, 329-338). Moreover, the author of the book was put on trial *in absentia*, while he was in exile in Algiers. Shazly was imprisoned and began serving his sentence in solitary confinement immediately upon his return to Egypt, fourteen years later. When the State Security High Court ordered his immediate release on August 13, 1992, its ruling was carried out sluggishly. Ironically, while he is anything but a supporter of Israel, upon his release from prison Shazly “publicly asked for the formation of a Supreme High Committee similar to the Agranat Committee [which had been] formed in Israel” (*ibid*, 331). His call fell on deaf ears.

What does the history of the publication of the *Agranat Report* as described here have to do with the deep imprint the Agranat Commission left on Israeli historical memory? It seems that the gap between the swift and full publication of the interim report, on the one hand, and the slow and partial publication of the final report, on the other hand, intensified the importance of the interim report in Israeli historical memory.³³⁶ The history of the *Agranat Report*'s publication sharpened the breach between the history of the Yom Kippur War and its memory. While the Commission did not intend to write a comprehensive history of the war, the Israeli public regarded the report as an official history of the conflict. In addition, the public considered the report as a kind of a verdict, which punished some of the figures responsible for the failures of October 1973. In its inquiry, the Commission touched on a wide range of topics, going beyond intelligence affairs and the Concept. As topics were buried in the censored sections, they received little attention in the interim report. The narrative of the interim report, combined with the personnel recommendations it includes, and the public turmoil that resulted, created a historical discourse that put the spotlight on intelligence affairs, in general, and the Concept, in particular. Alternative and supplementary explanations for the war, which focused on operational and diplomatic failures, were shunted aside either because of the censorship of the third report or because they were widely perceived as part of a tempestuous political debate (a point that will be further discussed below).

It should be noted that in spite of the Agranat Commission's role in promoting the Concept as the explanation for the war, it had no control over some of the components that created the Concept's eventual power in forming Israeli historical memory. This included, for example, the

³³⁶ This brings to mind a comment Joyce Appleby, Lynn Hunt and Margaret Jacob made in the context of narratives and language. The three mentioned that "[t]he Dutch historian Peter Geyl commented that all history is an interim report, but he would not have denied that within those interim reports were residues or research that would be studied long after the interim of the report had passed." See their book *Telling the Truth About History* (New York and London 1995), 265-266.

mandate the Commission received from the government. The Commission did, however, have full control over other factors, such as the way it consciously and deliberately chose to read its mandate. This point is the subject of the following section.

The Mandate of the Agranat Commission and its Reduction

The decision to establish a state commission of inquiry into the Yom Kippur War was taken by Prime Minister Meir together with a number of senior ministers, Chief-of-Staff Elazar, and Attorney-General Meir Shamgar.³³⁷ Shamgar suggested four possible kinds of inquiries: 1) An inquiry by a parliamentary commission, which is a standing body manned by political figures, 2) a military commission of inquiry under the authority of the Minister of Defense and IDF Chief, 3) a governmental examination commission which, like a parliamentary commission, is a political body, and 4) a state commission of inquiry, which draws its legal authority to carry out a quasi-legal inquiry from the Israeli Commissions of Inquiry Law, 5729-1968.

Not much is known about the deliberations and considerations involved in the decision to establish the Agranat commission. What is certain is that IDF Chief Elazar insisted that the army examine itself before any kind of juridical inquiry take place by a non-military apparatus.³³⁸ The preference of Minister of Defense Moshe Dayan is not entirely clear. According to his aide-de-camp, Arie Braun, Dayan supported the idea of setting up a commission of inquiry. That said, he believed that the decision about what kind of commission it was—juridical, public, or military—should be left to the Attorney-General.³³⁹ Five days after the Agranat commission had been setup, and when the identities of its members were known, Dayan expressed total confidence in the

³³⁷ Arie Braun, *Moshe Dayan and the Yom Kippur War* (Tel-Aviv 1992), 321-325.

³³⁸ *Ibid.*, 318-322 and compare to Hanoach Bartov, *Daddo—48 Years and 20 More Days* (Tel-Aviv 1978), 8, 355.

³³⁹ Braun, *Moshe Dayan and the Yom Kippur War*, 318.

Commission's work.³⁴⁰ He announced that he would accept any decision the Commission reached. In his autobiography, however, Dayan notes that the Yom Kippur War was not a matter for juridical clarification, but rather an event from which political lessons should be drawn.³⁴¹

The final decision to establish a state commission of inquiry was taken by Prime Minister Meir. The Commission's mandate, which was approved by the government on November 18, 1973, was to inquire into the following:

1. The information [available] during the days that preceded the Yom Kippur War pertaining to the moves of the enemy and its intentions to launch a war, as well as the assessments and decisions of the authorized military and civilian bodies based on this information;
2. The IDF's readiness for war in general, its alertness during the days preceding the Yom Kippur War, and its operations until the halting of the enemy [advance].³⁴²

While the mandate does not set clear chronological boundaries for the inquiry, it does focus the Commission on two "periods" which are: 1) the days preceding the war, and 2) the difficult phase of the battles to hold the defense lines, which took place at the beginning of the war. Chronologically, then, the Commission was not required to investigate the Yom Kippur War in its entirety. As a quasi-judicial body, it was expected to follow its mandate, without broadening the scope to include further issues.³⁴³ Meticulous adherence to its mandate made it difficult, if not

³⁴⁰ Ibid, 339.

³⁴¹ Moshe Dayan, *Moshe Dayan: Story of My Life* (Jerusalem 1976), 687. The way Dayan addressed the Agranat Commission in his manuscripts is by definition apologetic. One major feature of his attitude is his attempt to put the responsibility for the war on IDF chief Elazar and other individuals, such as American state officials, who according to Dayan refused to sell Israel different kinds of weapons (*Davar*, October 19, 1973, 2), and Israeli citizens and troops, which according to Dayan were too weak to cope with the challenges posed by the war. Moshe Dayan, "Sar ha-Bitahon Moshe Dayan 'al Milhemen Yom-ha-Kippurim," in *Tsahal be-Helo*, eds., Ilan Kfir and Ya'akov Erez (Revivim Revivim 1984), Vol. 2, 116-119.

³⁴² *Agranat*, 1975, 10. I borrowed the translation of this excerpt from Shalev, *Israel's Intelligence Assessment Before the Yom Kippur War*, x.

³⁴³ Klagsbald, *Tribunals of Inquiry*, 91.

impossible, for the Commission to depict a balanced narrative of IDF failures and accomplishments. After all, successes took place in later phases of the campaign, when the IDF was able to shift from a defensive to an offensive posture. Nevertheless, it seems that the Commission reduced the scope of its inquiry by consciously and deliberately narrowing its mandate even further.

According to the Commission's interim report, the northern-front defensive battles ended on October 9 and, in the south, on October 14.³⁴⁴ Nevertheless, the Commission chose only to inquire into the first three days of the war (October 6-8). The Commission justified this decision by arguing that it was not set up to "write the history of the defensive battles," adding that had it indeed been assigned this task, it would surely have had to study the war for years.³⁴⁵ In this sense, the Agranat Commission did not see itself as a "historical commission," that is, it abstained from studying the period that preceded Elazar's appointment as IDF chief in January 1, 1972.³⁴⁶ As a matter of fact, shortly after the Commission issued its final report, Elazar complained to Prime Minister Yitzhak Rabin that the Commission did not rigorously follow its mandate, and did not inquire into the IDF's general readiness for war. In a memorandum he submitted to the prime minister in May 1975, Elazar posited that had the Commission addressed this topic, it would have been evident that the IDF did prove itself in this respect.³⁴⁷ Elazar's assertion is not completely accurate, since the final *Agranat Report* does touch on a whole range of topics related to the IDF's

³⁴⁴ *Agranat*, 1975, 75-76.

³⁴⁵ *Ibid*, 76. Justice Agranat also made this point in an interview he had given to journalist Dov Atsmon before he retired from the Supreme Court, "*Ha-Shofet Agranat: Ze Hayah Tafkid Kashe*," *Yediot Ahronoth*, Weekend Section, September 3, 1976, 4-5. In an interview I held with Prof. Yoav Gelber, who was a scientific assistant to the Commission, he mentioned that the Commission sought to complete its work quickly. Interview, Interdisciplinary Center, Herzliya, Israel, July 4, 2012.

³⁴⁶ Yoav Gelber, *History, Memory and Propaganda* (Tel-Aviv 2008), 50. Major-General Elazar began serving as IDF Chief on January 1, 1972. He was replaced by Major-General Mordechai (Mota) Gur in April 1974.

³⁴⁷ Israel State Archives (hereafter, ISA) A-1/108, 18, 23.

readiness for war, such as the maintenance of the reserve units and field security. However, by ignoring some topics that easily fell under its mandate, such as decisions of “civilian bodies,” and the fighting that took place between October 9 and October 14, the Commission did not comply with its mandate to the fullest.

The Commission’s mandate and the way it chose to interpret it provide a new perspective on two other factors that intensified the impact the Commission left on Israeli historical memory. First, the Commission focused on the most difficult phase of the war, which overwhelmed any other aspect of it.³⁴⁸ In other words, the gloomy tone of the *Agranat Report* affirmed for millions of Israeli citizens what was obvious to them from the beginning: the late warning regarding the possibility of war caused the IDF to commence the conflict from a position of inferiority. Against this background, it is easier to understand how the conclusions the Commission reached about AMAN—as opposed to the personal recommendations it made or did not make—were widely accepted by laymen and scholars alike. After all, AMAN did not see the war coming. Furthermore, the special attention the Commission paid to intelligence affairs caused it to diminish the importance of other topics such as tactical, operational, and political aspects of the war. Such an account was not inevitable, but rather the direct result of the Commission’s interpretation of its mandate, as well its desire to complete the inquiry quickly.

Not surprisingly, the criticism of the Commission was also directed at its mandate. Professor Yoav Gelber, a scientific assistant to the Agranat commission, called the mandate a “historical lie.” “The mandate,” he explained to me, “required the Commission to inquire into what was self-evident: the surprise, the basic unpreparedness [of the IDF], and the failures in the fighting as a result of these factors, which were impossible to hide. Reducing the mandate to these issues

³⁴⁸ Oren, *Toldot Milhemet Yom Ha-Kippurim*, 352.

alone indirectly implied that everything else was fine and required no probing, and that's what I call a "historical lie." A great deal of the mishaps, blunders and failures were actually related to later phases of the fighting."³⁴⁹ Researchers Ronen Bergman and Gil Meltzer also criticized the Commission's mandate and the way its members chose to interpret it. The two regretted that the commissioners did not dare to go beyond the mandate "even when the public and moral interest was to widen slightly the perspective."³⁵⁰ While there may indeed be some truth in these words, one should bear in mind that a state commission of inquiry, in its capacity as a quasi-judicial body, is not allowed to broaden its mandate of its own accord. Conversely, one might question the government, which appointed the Commission but did not dismiss the possibility of investigating the actions of civilian bodies. Years after the Commission has been dissolved former Foreign Minister Abba Eban criticized the government by calling the Commission's mandate absurd:

The Agranat Commission was directed to examine the unpreparedness and failure of the first phase of the war. There was something wantonly masochistic about this definition. Here was a war that had begun in failure and that had ended in triumph, and yet the government, which had shared both the failure and the triumph, decided to investigate the former and not the latter.³⁵¹

The Agranat Commission was well aware of the military triumphs, and addressed the topic in its report. The special attention it paid to the mistakes, failures, and weaknesses of the IDF was set against the background of "the IDF's decisive achievement." The focus on the IDF's wrongdoings

³⁴⁹ Interview with Prof. Yoav Gelber (July 4, 2012, Interdisciplinary Center, Herzliya, Israel) and e-mail correspondence (September 3, 2012, and October 28, 2012). Also see Yoav Gelber, "Madu'a Milhemet Yom ha-Kippurim Mamshikhah Lihiyot Petsa she-Eno Maglid," *Haaretz*, Book Section, October 9, 2013.

³⁵⁰ Bergman and Meltzer, *The Yom Kippur War—Moment of Truth*, 467.

³⁵¹ Abba Eban, *Personal Witness* (New York 1992), 555. Eban raised harsh criticism against the Agranat Commission also in his autobiography, which was published in 1977. See Eban, *Autobiography* (New York 1977), 568-569.

was, commissioners claimed, solely for the purpose of learning lessons for the future.³⁵² The Commission added in a somewhat flowery manner, that in writing its report, it was following in the footsteps of Winston Churchill, who authored his monumental book on World War II even though writing caused him pain.³⁵³ As legal scholar Pnina Lahav points out in the biography she authored about Chief Justice Agranat, paying tribute to Israeli troops who died on the battlefield was the commissioners' way of expressing their solidarity with the State of Israel and its military establishment.³⁵⁴ Nevertheless, the words of praise and encouragement at the beginning of the Agranat Commission report are just a small fraction of a dense account, which is full of criticism and scrutiny. By briefly addressing the heroism of Israeli troops, the Commission affirmed what later became an acknowledged idea: unlike the Six Day War, which was championed by high-ranking officers, the protagonists of the Yom Kippur War were low to mid-ranking officers and fighters.³⁵⁵

³⁵² Agranat, 1975, 17, 56, 67. Also see Agranat, *Third and Final*, 5 (of the introduction).

³⁵³ Agranat, 1975, 94 and compare to Winston Churchill, *The Second World War*, Vol. I (Cambridge MA 1948), iv. Churchill's *Magnus Opus* on World War II was regarded for years as a quasi-official British history of the war. In this respect, both Churchill's history and the *Agranat Report* have left a substantial impact on the historical memories of their respective countries. For more see David Reynolds, *In Command of History: Churchill Fighting and Writing the Second World War* (London 2005).

³⁵⁴ Pnina Lahav, *Judgment in Jerusalem: Chief Justice Simon Agranat and the Zionist Century* (Berkeley, Los Angeles, and London 1997), 236. Regarding Haim Laskov's loyalty and solidarity with the Israeli military system see the word of Ya'akov Hisdai in *Laskov*, Mordechai Naor (Tel-Aviv 1989), 343. In an interview I held with Dr. Yaakov Hisdai in Jerusalem on October 29, 2012, Hisdai mentioned that "[T]he Commission had an interest not to undermine the public trust in the [Israeli political] leadership and IDF."

³⁵⁵ Many of the stories by fighters, officers and reservists make the point that "not everything was a failure [during the war]," as Avigdor Kahalani puts it in his book *The Heights of Courage: A Tank's Leader War on the Golan*, (Jerusalem and Tel-Aviv 1977), 9. Moreover, many accounts about the war stress the resourcefulness of low to mid-ranking fighters and officers. See for example Ori Orr, *These are My Brothers* (Tel-Aviv 2003); Ilan Kfir, *The Suez Canal Heroes: The Southern Front, October 1973* (Tel-Aviv 2003), and Zvika Greengold, *Zvika Force* (Ben-Shemen 2008). Historian Amiram Ezov rightly argues that the biggest winner of the war was General Ariel Sharon, who used his reputation on the battle field to embark upon a political career (Ezov, *Crossing*, 279 and compare to Kfir, *The Suez Canal Heroes*, 12). Nevertheless, whether he liked it or not, it goes without saying that Sharon was deeply involved in "the General Wars," that characterized the Yom Kippur War (i.e. harsh disagreements between Israeli generals). These "General Wars" constitute one more example of the dominancy and resourcefulness of low to mid-ranking fighters and officers during the war.

As soon as the war had ended, Israeli political leaders and generals stressed that as challenging as it was, the war ended with a glorious Israeli military triumph.³⁵⁶ In light of the shock and pain that swept Israel in the immediate wake of the war, such pronouncements made little difference to the public.³⁵⁷ Effective as the IDF performance in battle might have been, Israeli citizens tended to see the dark side of the war. Beginning April 1974, this view was backed by the *Agranat Report*, which gave the impression that the war was indeed a military fiasco. Whether the Agranat Commission had, or did not have, the potential to change this gloomy public atmosphere, it did not demonstrate this potential, which remained untapped. The question whether a state commission of inquiry should exercise this potential exceeds the scope of this chapter. Nevertheless, the Agranat Commission made a tremendous impact on Israeli collective memory,

³⁵⁶ Many Hebrew accounts of the Yom Kippur War present it as a glorious military triumph. See for example the introduction to *Days of Awe: Commentaries on the Yom-Kippur War* by Chaim Herzog (Tel-Aviv 1973); the interview General (Res.) Ezer Weizman gave to the daily newspaper *Ma'ariv* on November 2, 1973; the order of the day by General Ariel Sharon of January 1, 1974, available in Uri Dan, *Sharon's Bridgehead* (Tel-Aviv 1975), 208; Golda Meir, *My Life* (Tel-Aviv 1975), 305 and compare to the English edition of the book (London 1975), 420; Ephraim Talmi, *Who is Who in the Wars of Israel* (Tel-Aviv 1975), Vol. II, 538; Dayan, *Moshe Dayan: Story of My Life*, 685, and Avraham (Bren) Adan, *On Both Banks of the Suez: An Israeli General's Personal Account of the Yom Kippur War* (Jerusalem 1979), 13. Not surprisingly, IDF propaganda also stresses that the Yom Kippur War ended with an unequivocal Israeli triumph. See IDFA, 88-928/2005, 3 and 21. The cluster of sources included in this footnote indicates that Hebrew accounts about the war that present it as an Israeli failure are exceptional. See for example Uri Milstein, *The Outbreak of the War* (Tel-Aviv 1992), 41; Emanuel Wald, *The Wald Report: The Decline of Israeli National Security Since 1967* (San Francisco, and Oxford 1992), 94-112 (Wald's book was originally published in Hebrew). A much more balanced account about the war was written by Amos Yadlin, "She'elot be'Ikvot ha-Milhamah," in *The Yom Kippur War and its Lessons*, ed., Pinhas Yehezkeili (Tel-Aviv 2005), 9-10, 14.

³⁵⁷ A possible explanation for the question of why the Yom Kippur War was not mythologized in Israeli collective memory is available in the piece by Charles S. Liebman, "The Myth of Defeat: The Yom Kippur War in Israeli Society," *Middle Eastern Studies* 29:3 (1993): 399-418. Also see Tirza Hechter, *The Yom Kippur War: Trauma, Memory and Myth (1972-2013)* (San Bernardino 2014). About "glorious failures" like the siege of Masada, the *Bar-Kokhba* Revolt and the battle of Tel-Hai which did become national Jewish myths, see Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (Chicago and London 1995) and Idith Zertal, *Israel's Holocaust and the Politics of Nationhood* (Cambridge 2005), especially pages 9-51. More about the topic in the context of the Jewish "Gallows Martyrs" who were executed by the British authorities in Mandatory Palestine, is available in Amir Goldstein, *Heroism and Exclusion: The "Gallows Martyrs" and Israeli Collective Memory* (Tel-Aviv and Jerusalem 2011), 143-144. Interestingly enough, unlike most Israeli Jews who have experienced the war as a national calamity, the national religious group of Gush Emunim addressed it as a source of national pride and comfort. For more see the piece by Michael Feige, "Milhemet Yom ha-Kippurim ba-Zikaron ha-Yisraeli: Shever mul Hemshehiyut," in *National Trauma*, eds., Moshe Shemesh and Ze'ev Drori (Sede Boker 2008), 351-367. The piece by Feige should be read in conjunction with the landmark article by Salo W. Baron, "Ghetto and Emancipation," *Menorah* 14:6 (1928): 515-526.

which is in itself a highly important national resource. This shows the work of the Commission to have been a major crossroads, one at which a choice was made about how to shape the national memory of the war.

So far we have examined the dynamic that led to the creation of the Concept in the context of the Yom Kippur War. We also looked at the major factors and circumstances enabling the Commission's interim report to deeply shape Israeli historical memory. Now we shall turn our attention to how this phenomenon affected the historiography about the war.

Historiography in the Shadow of the Concept

Much public and scholarly attention has been paid in recent decades to the long-term impact that the Yom Kippur War left in a variety of fields of Israeli experience (e.g. politics, culture, economics). Special attention has been paid to the circumstances that led to war. According to a widely acknowledged notion, “any [Israeli] achievement in the war is clouded by the initial *failure of not preventing* it. The failure was exacerbated, not just because the Israeli deterrent capacity was disappointing, but also because the warning provided by the Israeli intelligence came too late” (emphasis in the original).³⁵⁸ Put differently, the positive achievements of the IDF on the battlefield in October 1973, are perceived in Israel as minor compared to the negative effects of surprise and shock that overcame the IDF, the Israeli leadership, and the public. The fact that the IDF was able to move from a defensive to an offensive posture within enemy territory rather quickly, that Israel did not lose territory in the Golan Heights, and that some Israeli ground forces ended the war beyond enemy lines, to this day stands in the shadow of the initial shock of attack. Given this background, it is not surprising that much scholarly attention has been paid to the Yom Kippur

³⁵⁸ Oren (note 344 above). Emphasis in the original.

surprise. As Air Force veteran and scholar Shmuel Gordon noted in 2008, the ongoing historical debate about the disastrous effect that the short warning had, on the one hand, and the effect of other operational failures on the other, was as lively as ever.³⁵⁹ In 2014, this assertion is still valid. The question as to what factor set the tone for the entire campaign remains open to this day, and prompts a variety of explanations that can be divided into four conceptual categories.³⁶⁰

According to the first and most common explanation for the war, the mother of all sins of the Yom Kippur War was indeed the intelligence failure that preceded the campaign. The late warning Israel received severely damaged the morale of Israeli soldiers and the IDF's ability to fight effectively. The defensive battles that took place during the first phase of the war were the direct result of inadequate intelligence concerning the enemy's intention to start a comprehensive war. This approach, which received considerable attention in the Agranat interim report, diminishes and even exempts from responsibility anyone who did not play an active role in forging the national intelligence assessment.³⁶¹

The second explanation for the war stresses the socio-political climate that prevailed in Israel between the 1967 Six Day War and the outbreak of the Yom Kippur War in October 1973. The euphoria and sense of invincibility that swept Israeli society and leadership following the triumph of June 1967 created the illusion that the IDF could easily ward off any threat by Arab

³⁵⁹ Gordon, *Thirty Hours in October*, 179.

³⁶⁰ The division into four different kinds of key explanation for the war does not contradict the fact that some studies, including the ones mentioned below, amalgamate features of different scholarly approaches. An example for that would be Gordon's study, as the author mentions on page 433.

³⁶¹ See, for example Agranat, 1975, 18, 78; Oren, *The History of the Yom Kippur War*, 64, 352; Aharon Ze'evi, "Tokhnit ha-Hona'ah ha-Mitsrit," in *Intelligence and National Security*, eds., Offer and Kober, 437. Also relevant here is Ya'akov Hisdai, *Truth in the Shadow of War* (Tel-Aviv 1979), 10. It goes without saying that the interim report was not only about the intelligence failure and the Concept. Among other things, it also elaborated on the late recruitment of reservists, the ineffective deployment of tank corps along the Suez Canal, and the over-reliance on regular forces.

forces. This self-perception was clearly unfounded.³⁶² Hence, the panic that followed the Yom Kippur War stemmed from the gap between the vulnerability of this war and the swift, decisive, and victorious Six Day War.

The third explanation for the Yom Kippur War pinpoints the lack of preparedness by the IDF for a comprehensive campaign. More specifically, this explanation highlights operational failures, false operative notions that Israeli generals followed during the war, and bitter disagreements among them that made it impossible for Israeli forces to realize their fighting capacity effectively on the battle field.³⁶³ An example of this approach are studies such as “*The Regulars will Hold*”? by Emanuel Sakal³⁶⁴ or the memoir by Air Force veteran Iftach Spector, who declares sharply: “We did not prepare properly, and no theory about a ‘surprise’ or ‘confusion’ could cover this up.”³⁶⁵ One might add additional operational factors such as the greater number of Arab troops, which was far higher than the Israeli deployment, the delayed mobilization of the Israeli reserve forces (which constitute a central component of the Israeli military doctrine), and an ineffective response by the Israeli Air Force.³⁶⁶ Some of the bloodiest battles in the war, such as those in the “Chinese Farm,” the city of Suez and Mt. Hermon outpost, took place late in the war, and not at its outset. Such battles strengthen the impression that the war was marked by errors and operational failures that go beyond the lack of initial adequate intelligence.

The fourth approach, which in recent years has received more and more scholarly attention, draws attention to political factors related to the war. According to this line of reasoning, the

³⁶² Benjamin Peled, *Days of Reckoning* (Ben-Shemen 2004), 447-448 and compare to Dalia Gavriely-Nuri, *Nikmat ha-Nitsahon: Ha-Tarbut ha-Yisraelit ba-Derekh le-Milhemet Yom ha-Kippurim* (New York 2014).

³⁶³ Wald, *The Wald Report*.

³⁶⁴ Emanuel Sakal, “*The Regulars will Hold?*”: *The Missed Opportunity to Prevail in the Defensive Campaign in Western Sinai in the Yom Kippur War* (Tel-Aviv 2011).

³⁶⁵ Iftach Spector, *Loud and Clear* (Tel-Aviv 2008), 247.

³⁶⁶ According to General (Res.) Israel Tal, the original sin of the war was the late recruitment of the Israeli reserve forces. See his book, *National Security: The Few against the Many* (Tel-Aviv 1996), 171-172, 179.

intelligence and operational blunders were preceded by diplomatic failure, which prevented Israel from properly preparing for war. This historical reading puts most of the responsibility for the war at the doorstep of political leaders and diplomats, and not on the military. Like the first three explanations for the war, this approach is also polyphonic by nature. While scholar Yigal Kipnis, for example, points to the so-called inability of Prime Minister Golda Meir and Minister of Defense Moshe Dayan to come to terms with Egypt, Boaz Vanetik and Zaki Shalom emphasize the incapacity of the Nixon administration to promote peace in the Middle East.³⁶⁷

The question as to which of these explanations is true, or more correct, remains open. It is not at all clear whether one can compare the scale of the intelligence failure to the effect that the operational errors and political incapacity had in 1973.³⁶⁸ Having said that, it is obvious that the attention given to military intelligence and the Concept by the Agranat Commission was, and remains, the most common Israeli perception of the Yom Kippur War. As one high-ranking AMAN officer put it in the early 1980s, “According to a widespread notion accepted by the Israeli public, and even by the IDF, the reason for the surprise was the Concept, which AMAN seemingly created: it is unlikely that a war would break out as long as Egypt did not acquire aerial superiority.”³⁶⁹ Political scientist Yitzhak Galnoor made a similar point some twenty years later, on the thirtieth anniversary of the war. Galnoor asserted that the Israeli discourse about the war still engaged in self-evident issues, such as the national and personal trauma caused by the war and

³⁶⁷ Yigal Kipnis, *1973, The Way to War* (Or Yehudah 2012) and compare to Boaz Vanetik and Zaki Shalom, *The Yom Kippur War: The War that could have been Prevented* (Tel-Aviv 2012).

³⁶⁸ One attempt to evaluate the relative impact intelligence affairs had had on the war, in comparison to other factors (e.g. operational and political ones) is the recently published article by Uri Bar-Joseph, “The Historiography about the Yom Kippur War: A Forty Years’ Perspective and a New Discussion,” *Iyunim* 23 (2013): 1-33. By offering quite a different reading than the one presented in this chapter, Bar-Joseph argues that the *Agranat Report* withstood the test of time.

³⁶⁹ Ben-Porat, “*Ha-‘Arkhot Modi’in*,” in *Intelligence and National Security*, eds., Ofer and Kover, 225. Other scholars made this point in different contexts. See for example Yigal Shefi, “*Ma’aneh le-Torpah Astrategit*,” in *Yom Kippur War Studies*, eds., Haggai Golan and Shaul Shai (Tel-Aviv 2003), 165.

the intelligence failure.³⁷⁰ It seems that in this respect, not much has changed in Israel since the 1970s.

Almost four decades after the Agranat Commission issued its interim report, Israeli historical discourse about the war is still beholden to the Concept that the Commission introduced to the Israeli public in 1974.³⁷¹ This explains why the Concept receives extensive attention by scholars and war veterans who try to diminish its importance by offering alternative and supplementary explanations for the war. They simply cannot ignore it. According to General (Res.) Giora Romm, “the fundamental failure in the Yom Kippur War was not the intelligence failure, but rather a geo-political one.”³⁷² Yoav Gelber stresses that “[t]he intelligence and operational fiasco at the beginning of October 1973 was not the result of a conception, but the outcome of serial mistakes in estimating the evolving circumstances without anything behind them except hubris. These errors emanated from a total loss of sight at the top of the Israeli military hierarchy.”³⁷³ Neeman and Arbel also maintain that the truth about the Yom Kippur War is “totally different” from the conventional wisdom of the Concept. According to their reading, the Israeli leadership was well aware of the political developments that led to the war, but simply reacted

³⁷⁰ Yitzhak Galnoor, “*Ha-Konseptsiyah she-Me’ahorei ha-Konseptsiyah*,” in *National Trauma*, eds., Shemesh and Drori, 9.

³⁷¹ In recent months some scholars and journalist put forward an additional aspect of the intelligence failure, which focuses on the activation or lack thereof of “special intelligence means.” Almost any detail related to these means, which were most likely a tapping device, including their real name, is still classified. About the topic, see, for example, Uri Bar-Joseph, “*Hi Haf’alat ‘Emtsa’e ha-Isuf ha-Meyuhadim’ vaha-Keshel ha-Modi’inin be-Milhemet Yom ha-Kippurim—Mabat Hadash*,” *Ma’arakhot* 448 (2013): 46-53. According to Bar-Joseph, “For various reasons, [most] scholars who have studied the [Yom Kippur] surprise . . . did not pay this topic the appropriate attention [it deserves],” *ibid*, 48. Without getting into the question what is the “appropriate attention” this topic deserves, the current chapter sheds light on some of the factors and circumstances that pushed the topic aside for many years. One of the main arguments Bar-Joseph tries to make is that according to the Agranat Commission, the key for understanding the intelligence failure was related to these “special means” and not to the Concept. This assertion stands in total contradiction to the fact the Commission presented these means as “AMAN’s secondary insurance.” See Uri Bar-Joseph, “*Ha-Mafte’h le-Kishalon ha-Modi’ini*,” *Haaretz*, July 14, 2013, and compare to Agranat, *Reasoning and Completion*, 83, 99-100.

³⁷² Quoted in David Arbel and Uri Neeman, *Unforgivable Delusion* (Tel-Aviv 2005), 7 and *passim*.

³⁷³ Gelber, *The Collapse of the Israeli Intelligence’s Conception*, 24.

poorly to them.³⁷⁴ In his book *Breaking the Concept*, Daniel Asher argues that, instead of focusing on the Concept, one should pay heed to the Egyptian war goals.³⁷⁵ Zvi Lanier also challenges the political, juridical, and scholarly belief in the Concept by scrutinizing the strategic and political conventions to which the Israeli leadership adhered on the eve of war.³⁷⁶

This cluster of books is only a partial list. One could easily add to it further accounts, apologetic by nature, whose authors try to dismiss or at least diminish their personal responsibility for the events of October 1973. A notable example of this historical genre is Eli Zeira's *The October 73 War: Myth Against Reality*.³⁷⁷ Published in 1993 as a direct reply to the *Agranat Report*, the book is a historiographical assault against the Commission. Zeira presents the Commission as a politically biased tribunal, which violated not only his legal rights but also the basic principles of Israeli democracy.³⁷⁸ The book's main point is that the Commission distorted the history of the Yom Kippur War and created a national myth, according to which AMAN and Zeira hold most of the responsibility for the 1973 disaster. Alternatively, Zeira strives to convince his readership that the war was the result of a misjudgment and a long list of errors on the part of the Israeli political leadership, especially Prime Minister Meir and Minister of Defense Moshe Dayan. According to Zeira, on the eve of the war, Meir, Dayan, and a small group of their close

³⁷⁴ Uri Neeman and David Arbel, *Border Lines Choices* (Tel-Aviv 2011), 78.

³⁷⁵ Asher, *Breaking the Concept*.

³⁷⁶ Zvi Lanir, *Fundamental Surprise* (Tel-Aviv 1983), 15, 40 and passim.

³⁷⁷ Zeira, *The October 73 War*. While Zeira harshly criticized the Agranat Commission on many levels, he never set against its decision to terminate his tenure as IDM. Zeira voluntarily chose to retire from the IDF shortly after the Yom Kippur War, although Minister of Defense, Moshe Dayan, offered him the position of IDF commander of Central Command. Moreover, in spite of harsh disagreements between Eli Zeira and former Mossad director, Zvi Zamir, regarding the role of the Egyptian Ashraf Marwan in the Yom Kippur surprise—an involvement that seemingly put some of the responsibility for the intelligence failure on the shoulders of Zamir and the Mossad—Zeira insists that he and AMAN should have known that Marwan was a double agent who misled Israel (Zeira, *Myth versus Reality*, 2004 ed., 163). In so doing, Zeira takes responsibility for an additional failure for which he is seemingly responsible. This should, however, be qualified, since the assertion according to that Marwan was indeed a double-agent is questionable. About Marwan see Uri Bar-Joseph, *The Angel, Ashraf Marwan, the Mossad and the Yom Kippur War* (Or Yehudah 2010).

³⁷⁸ Zeira, *The October 73 War*, 179, 192, 204.

advisors acted irresponsibly by ignoring Israel's guiding military doctrine.³⁷⁹ Irresponsible strategic decisions included postponing the mobilization of Israeli reserve forces until the very last minute. Contrary to the idea of the Concept as an intelligence theory created by AMAN's Research Department, Zeira insists that the Concept is actually an Egyptian geo-political initiative, constructed by the Egyptian President, Anwar El-Sadat.³⁸⁰ This assertion eventually made its way also into other works, including the history by Aryeh Shalev.³⁸¹

Thus far we have seen that although the Concept became an integral part of the Israeli discourse about the Yom Kippur War, there was never a consensus about the central role the Commission attributed to the Concept. The special attention the Commission paid to intelligence affairs and the Concept—acknowledged by Chief Justice Agranat in an interview he gave in 1976³⁸²—was rejected by scholars who studied the war and people like Eli Zeira, whom the Commission harshly scrutinized. Moreover, because of the dominance of the Concept in Israeli memory, scholars who suggested alternative explanations for the war still had to contend with the Concept and the *Agranat Report*.

One prominent example of this phenomenon is the book *1973: The Way to War* that was published in 2012. Largely based on recently released archival material from Israel and the United States, the book sheds new light on the political deliberations that Israeli officials held prior to the war among themselves and with American diplomats. The enthusiastic reaction the book received

³⁷⁹ Ibid, 11, 31, 54-55, 211. Like Zeira, General (Res.) Matityahu Peled, argues that following the Six Day War Israel ignored fundamental principles of its military doctrine. See, Peled, “*Ketsad Hitkonenah Israel le-Milhemet Yom ha-Kippurim ve-Ketsad Nihalah Otah*”, in *The Big Powers and the October 1973 War*, ed., Gabriel Sheffer (Jerusalem 1975), 29-41.

³⁸⁰ Zeira, *The October 73 War*, 86, 173, 240.

³⁸¹ See Shalev, *Israel's Intelligence Assessment* and the talk by Mordechai Gazit (former Director-General of the prime minister's office in 1973), “*Ha-Im Efshar Hayah Limno 'a et ha-Milhamah*,” in *The Yom Kippur War*, eds., Ufaz and Bar-Siman-Tov, 11, 16.

³⁸² Atsmon (see note 345 above).

in some Israeli media upon its publication, made it seem for a moment that the Concept was going to be shunted aside for the political explanation of the war—an aspect that seemingly received no attention earlier. It is worthwhile quoting from Kipnis' main argument:

The failure of the 'intelligence concept . . . is important, but it almost did not affect the decision-making [process, prior to the war] The [new] documents [published in this book] indicate that as opposed to the acknowledged notion, the intelligence failure did not lead to the war. It is not the fault of the intelligence [corps] that the State of Israel . . . got itself into the unfortunate situation of the Yom Kippur War without being able to control the events. Chaired by Chief Justice Agranat the Commission of inquiry chaired looked into the responsibility of the military system for the devastating results of the war. However, the political source material was not available for the Commission, and therefore, its ability to undertake a comprehensive inquiry even into the intelligence and military events was limited, at least insofar as the ones that require a perspective that fuses a military and political reading. All the more so, the Commission was unable to look into and draw conclusions about the proceedings of the political system, and was also unable to properly evaluate the division of responsibility between the military and political players.³⁸³

Upon its publication, Kipnis' book received much public attention and rightly so. A number of well-known journalists went as far as to argue that this study opens up a totally new scholarly terrain.³⁸⁴ It is unquestionable that the book includes many instructive details about the back

³⁸³ Kipnis, 1973, 15-16. In his book *The October 73 War*, Eli Zeira argues that Prime Minister Golda Meir and Minister of Defense Moshe Dayan did not update the Agranat Commission about a secret meeting Meir held with King Hussein of Jordan on September 25, 1973. See Zeira, *The October 73 War*, 97, and compare to the interview journalist Sarit Fuchs held with Supreme Justice Agranat, "Agranat Me'ahore ha-Du'ah," *Ma'ariv*, Weekend Section, October 11, 1991, 6. Details included in the book by Zvi Zamir indicate that Meir actually did update Agranat about the meeting. See Zamir, *With Open Eyes*, 127-128.

³⁸⁴ See, for example, Ronen Bergman, "Kim'at ve-Shahakhti, Shalom," *Yediot Ahronoth*, Weekend Section, September 14, 2012, 28-34; *Haaretz* Editorial, "She'elot be'Ikvot Agranat," *Haaretz*, September 23, 2012, 2, and Akiva Eldar,

channels of Middle Eastern diplomacy in 1973. Nevertheless, Kipnis did not discover the “political failure” forty years after the war.³⁸⁵ The accusation of political failure that was worse than the military one, was first raised prior to the establishment of the Agranat Commission, and, again, following the publication of the first interim report.³⁸⁶ This historical reading lost its vitality in the 1970s partly because of the wide acceptance of the Concept in Israeli memory. The public debate about the war in the period that preceded the interim report in April 1974, therefore indicates how strong an impact the Agranat Commission made on Israeli historical memory.

Alternative Readings to the War (November 1973-May 1974)

During the general elections for the eighth Knesset, which were postponed from October 31 to December 31, 1973, the leader of the opposition, Menachem Begin, directed his criticism of the war not toward the IDF and its chiefs but the government of Golda Meir. In a speech Begin gave

“*Bikoret Gevulot*,” *Haaretz*, October 2, 2012, 2. Other critics of Kipnis’ book were less enthusiastic and even negative. See, for example, Yagil Levy, “*Miksam ha-Shav shel ha-Arkhiyonim*,” *Haaretz*, October 10, 2012, 2; Uri Bar-Joseph, “*Historiyah Selektivit*,” *Haaretz*, Book Section, October 17, 2012, 2; Zvi Zamir, “*Shimush Helki bi-Devarei*,” *Haaretz*, Book Section, October 24, 2012, 3, and Yossi Langotzky, “*Ha-Emet ‘al ha-Emtsa’im ha-Meyudim*,” *Haaretz*, November 11, 2012, 15. Kipnis replied on Bar-Joseph’s piece in a sharp column of his own. See Kipnis, “*Ovriv Likhtivah Mevuseset*,” *Haaretz*, Book Section, October 24, 2012, 2.

³⁸⁵ The notion that there was a “political failure,” which led to the Yom Kippur War, as Kipnis argues, is open for interpretation. Interestingly enough, Orientalist Yehoshafat Harkabi and historian Avi Shlaim criticize the Israeli intelligence for failing to see that Egypt was trying to reach out to Israel and make peace with it. See Avi Shlaim, *The Iron Wall: Israel and the Arab World* (London and New York 2000), 107-108. Zaki Shalom dismisses this reading outright. According to Shalom, in the post-Six Day War period Israel did seek peace with its Arab neighbors. They, and especially Egypt, were unready for that. See Zaki Shalom, “*Milhemet Yom ha-Kippurim: Konseptsiyot Sheguyot ve-Shivran*,” in *National Trauma*, eds., Shemesh and Drori, 284, and compare to Vanetik and Shalom, *The Yom Kippur War*, 263.

³⁸⁶ Ironically, almost every aspect related to the Agranat Commission but the Concept has been extremely controversial since April 1974; for example, the Commission’s mandate, its human makeup, the methodology it applied, and the recommendations it did or did not make against high-ranking state officials. Most controversial has been the decision of the Agranat Commission to come to terms with army personnel, on the one hand, but to exempt the political echelon from any responsibility for the war, on the other hand. According to some observers, this separation resulted in an imbalanced report (*Yediot Ahronoth*, April 4, 1974, 3). The Commission was well aware of the criticism against it, and addressed the topic in the introduction to its third and final report (Agranat, 1975, 60-61). One should add that not everyone condemned the Commission as in the case of the *Jerusalem Post*, which praised the “fair and perfectly balanced” report the Commission issued (quoted in *Yediot Ahronoth*, April 3, 1974, 8), and compare to The Knesset, *Protocols of the Knesset 70* (Jerusalem), April 11, 1974, 1135, 1153.

in the Knesset while the fighting was ongoing, he insisted on waiting to address the questions raised by the war “only after the victory.”³⁸⁷ A week later, however, Begin and his party, the Likud, sounded more aggressive. The party issued a public announcement as follows:

The Likud has determined that between *Rosh Ha-Shanah* and Yom Kippur [September 27—October 6, 1973] the government made a grave mistake. While it had credible information about the concentration of enemy forces in the south and in the north, it did not mobilize its [reserve] forces and did not deploy them in due course along the cease fire lines [the borders] to deter the enemy from its anticipated aggression.³⁸⁸

If at all, the Israeli intelligence is mentioned in this announcement positively, for delivering valuable information about the enemy to the government.

In the following days, increasing demands to undertake a comprehensive examination of the war were raised by people on both sides of the political spectrum. In one pointed op-ed in the daily newspaper *Davar*,³⁸⁹ its editor-in-chief, Hannah Zemer, called for an examination “of issues related to the eve of the war, in addition to matters that noticeably preceded the outbreak of the war, and have a direct impact on our situation (*matsavenu*).”³⁹⁰ However, Zemer as well as other public figures, such as Begin, warned against the danger of turning the inquiry into “wrestling mats” between Jews. As Begin put it, “what is needed for Israel are not struggles between Jews

³⁸⁷ *Davar*, October 17, 1973, 2.

³⁸⁸ *Davar*, October 23, 1973, 1. Begin harshly criticize Golda Meir and her “Kitchen Cabinet” (*Ha-mitbakhon*)—the small group of senior ministers and unofficial advisors who assisted her in making decisions especially on issues of national security—also on the day that followed Meir’s resignation from the premiership. See, The Knesset, *Knesset Protocols* 70, April 11, 1974, 1126.

³⁸⁹ Between 1925 and 1996 the daily newspaper *Davar* (*Iton Poalei Eretz Israel*) was the mouthpiece of the Israeli Labor party (Mapai).

³⁹⁰ *Davar*, 26 October, 1973, 5.

[*milhamot yehudim*] but rather a clarification among Jews.”³⁹¹ Ironically enough, one of the figures who also opposed punishing the Israeli military and political leadership was none other than Yigael Yadin, that is, the same Yadin who had sought to join Meir’s government only three weeks before he was appointed a member of the Agranat Commission, and the person who opposed punishing Israel’s political and military leadership.³⁹²

Additional calls to setup an independent commission to investigate the failures of the war—“painful as it gets” as Major-General (Res.) Haim Bar-Lev put it—were raised throughout November 1973.³⁹³ A constant feature of such appeals was the demand for a comprehensive examination that would rise above the military aspects of the war. Author and journalist Hanoach Bartov, for example, called on the government “to publicly announce, on behalf of the government and the Knesset, an inquiry into all aspects that preceded the war—political, intelligence [and] military [ones].”³⁹⁴ Similar demands were raised by Knesset Member Yitzhak Ben-Aharon (Labor), and former director of the Mossad, General (Res.) Meir Amit, who was immersed in intelligence issues:

It is impossible to put all the blame on the military intelligence. What happened to us did not start on Yom Kippur; it is a long process, which has continued since the Six Day War, which all of us contributed to it [by our] excessive self-assurance, the sense of “there is no one like me” (*ani va’afsi ‘od*), and underestimating the enemy All of us created this

³⁹¹ *Ma’ariv*, November 9, 1973, 20. Similar calls to avoid clashes between Jews (*Milhamot Yehudim*) were raised by Minister of Transportation Shimon Peres (*Ma’ariv*, November 5, 1973, 2), the author and journalist Hanoach Bartov (*Ma’ariv*, November 9, 1973, 18), and others.

³⁹² Silberman, *A Prophet from Amongst You*, 325.

³⁹³ *Ma’ariv*, November 2, 1973, 1.

³⁹⁴ *Ibid.*, 5.

process If everyone should “come down” now on our intelligence corps and consider it the “scapegoat”—that would be a wrong and simplified approach.³⁹⁵

The anger, fear, and concern that characterized Israeli society in the wake of the war, made the spirit of these words not easy to accept. The public expected its leaders to either take responsibility for their errors, or be punished. When President Ephraim Katzir placed responsibility for the war “of all of us,” as he put it in one of his speeches, he aroused strong public resentment. A few weeks after the formation of the Agranat Commission, Katzir explained that “[p]rior to the war, we lived in a fools’ paradise. We are all guilty in the negligence of the [national] security, development and education . . . political and even military mistakes have been made.”³⁹⁶ Needless to say, social affairs are not the focal point of the Agranat Commission report, although they do get some attention, especially in the section authored by Haim Laskov about the misbehavior of IDF officers and troops.³⁹⁷ Titled “Order and Discipline,” this section addresses a number of topics, such as the norms of Israeli troops and the affinity between them and the “people’s spirit.” It concludes that prior to the issuance of the Agranat interim report, intelligence failure, let alone the Concept, were not regarded as the primary cause for the war. Alternatively, they were considered one factor out of a complex contexture that required urgent clarification.

The preliminary reactions to the interim report indicate that, even after it had been published, some public figures insisted that the Yom Kippur War was first and foremost the result of political, not military, failure. In a session of the Knesset on April 11, 1974, the day after the

³⁹⁵ I borrow the quote of Amit from an interview he gave to journalist Dov Goldstein (*Ma’ariv*, November 9, 1973, 28). Member of Knesset Yitzhak Ben-Aharon said similar things to the ones by Amit: “Prior to the Yom Kippur War the work of the [Israeli] intelligence was almost worthless, since there were ideologies, prejudices and dogmas which clogged the mind and the ears” (*Ma’ariv*, December 13, 1973, 19).

³⁹⁶ *Ibid.*, 8. For more see the words of Menachem Gilad of Kibbutz Kfar-Ruppim who told *Ma’ariv* similar things (*ibid.*, 5, 8).

³⁹⁷ *Agranat, Third and Final*, 1-65.

resignation of Golda Meir from the premiership, the political facet of the war was raised a number of times. Knesset member Meir Talmi (Labor), for example, assumed that “there is a nexus between political views and what is called in the [Agranat] report ‘the Concept.’”³⁹⁸ In his speech, Talmi singled out Minister of Defense Moshe Dayan for particular criticism, despite the Commission having exempted him from responsibility for the events of October 1973.

Member of Knesset Yehuda Sha’ari (Independent Liberals) made a similar point by arguing that “what has been discovered [lately] is not just an error in intelligence assessment but also inadequate policies and false political and security perceptions.”³⁹⁹ “If general elections would be a necessity,” he added, “then we shall demand a clear peace policy, based on readiness for territorial concession, which takes into account matters of national security.”⁴⁰⁰ According to Sha’ari, both Dayan and Begin, who held hawkish positions, were responsible for the “blunder and the false political and security concept.”⁴⁰¹ Much more direct was Meir Pa’il, MK (Moked), who, besides holding dovish views, was a former high-ranking officer. According to Pa’il, the main failure of the war was political. In his view, “the secondary failure, [that is to say] the military one, was to a great extent a function of the political passivity and the belief that time works in our interest. This sense delayed our victory for 18 days instead of [only] 5-6 days.”⁴⁰² No less direct was Meir Vilner, MK (Israeli Communist Party). In one of his speeches Vilner spoke against the Agranat Commission:

[T]he starting point of the Agranat Commission, which separates the military failure from the basic governmental policy, which was principally shared by the government and the

³⁹⁸ The Knesset, *Knesset Protocols* 70, April 11, 1974, 1123.

³⁹⁹ *Ibid.*, 1135.

⁴⁰⁰ *Ibid.*, 1136.

⁴⁰¹ *Ibid.*

⁴⁰² *Ibid.*, 1146.

Likud alike—this starting point is totally groundless. The Agranat Commission ignores the crucial reasons, the political ones, which brought about the October War. The Commission reduces the matter to inquiring into those responsible for the military “blunder,” as it is called, whereas it is impossible to separate between the military failure and the failure of the [political] policy, which also stands at the basis of the military failure. What failed in October was first and foremost the political perception according to which time strengthens the status quo policy of the occupation, and the idea that Israel’s military superiority is a permanent variable.⁴⁰³

The gap between the public debate about the war before the publication of the interim report, on the one hand, and the public and scholarly debates about the war after its publication, on the other, reveal how much of an impact the Agranat Commission left on Israel’s historical memory. The publication of the interim report put the Concept into the spotlight and pushed aside other aspects of the war. As mentioned, this process also enabled scholars to “rediscover” the “political failure” in the 2000s.

Epilogue

In a section about “The Impact of the ‘Agranat Commission Report,’” the website of the Israel Defense Forces and Defense Establishment Archives says the following:

The conclusions of the Commission shocked Israel to its foundations no less than the war itself, since they brought upon changes in the political and military ranks, as well as public resentment, since the Commission put most of its weight on the military echelon. Among the changes [were the following]:

⁴⁰³ Ibid, 1143-1144.

- The resignation of Golda's government in April 1974, and the establishment of the new government of Yitzhak Rabin, with—Shimon Peres as Minister of Defense;
- The resignation of IDF Chief David Elazar and the appointment of the new Chief-of-Staff Mordechai (Mota) Gur
- The dismissal of additional officers at the top level of the [IDF] General Staff
- A massive rehabilitation of the IDF
- Implications in the fields of legislation and intelligence.⁴⁰⁴

Each of these points is valid. But the list lacks a highly important theme that is the focus of this chapter: the impact the Agranat Commission left on Israeli historical memory. The Commission introduced the Israeli public to the theory that the calamity of the Yom Kippur War was, first and foremost, the result of a failed intelligence Concept in April 1974. In doing so, the Commission, in one word, founded the common Israeli wisdom for understanding the Yom Kippur surprise. In light of the commanding place the Concept holds in Israeli historical memory, professional and popular historians have tried to affirm, solidify, or refute the Concept by introducing alternative and supplementary explanations for the war. Either way, by writing about “the Concept of AMAN”—a term that was nowhere to be found in the language used by AMAN prior to the war—the Agranat Commission created a powerful collective memory that set the tone of historical debates about the conflict. In this respect, the Commission, like the Israeli Supreme Court, played

⁴⁰⁴ See the IDFA Website at: http://www.archives.mod.gov.il/pages/Exhibitions/agranat/agranat_commission.asp (last visited on July 30, 2013). Besides amendments in the Israeli Commissions of Inquiry Law, 5729-1968, the work of the Agranat Commission stands in the background of the legislation of *Basic Law: The Military*. For more on the topic, see the reasoning for the law of July 9, 1975 (Bill 1197).

an important role not just in writing a chapter of Israel's official history, but also in forming and stimulating Israeli historical consciousness.⁴⁰⁵

In a rare public statement about the Commission's work, Chief Justice Agranat said that "he will let history judge the Agranat Commission."⁴⁰⁶ Although this chapter criticizes the Commission on several levels, it neither attempts to judge the Commission, nor attempts to rate the quality of its work. Even more so, the chapter observes that the Agranat Commission did get to the bottom of a number of issues, including ones related to AMAN and intelligence affairs. Nevertheless, there is a substantial gap between the overarching Concept explanation that the Commission suggested and the complexity of the material which the Commission examined. One should stress again that the Commission was not established to write a comprehensive history of the Yom Kippur War, nor did it try to do so. The effect of the Commission on Israeli historical discourse is, to a great extent, an unintentional byproduct of its work: its mandate, the way the Commission interpreted it, the focus on intelligence affairs, and the restrictions that the Commission put on the publication of its report. These factors and circumstances combined with the grave impression the war itself left on Israeli society and political system. Put another way, the Agranat Commission, especially through its canonization of the Concept, deepened an existing sense of demoralization that characterized post-war Israeli society.

One additional factor that accelerated the Commission's effect on Israeli historical memory was its attitude toward political leaders and high-ranking military officers. While the former were not held responsible for any aspect of the war, the latter, which included the Chief-of-Staff, David

⁴⁰⁵ About the way the Israeli Supreme Court addressed landmark affairs in the history of the State of Israel, and especially the 1948 War, see the piece by Daphna Barak-Erez, "Collective Memory and Judicial Legitimacy: The Historical Narrative of the Israeli Supreme Court," *Canadian Journal of Law and Society* 16 (2001): 93-112, and Michal Shaked, "Ha-Historiyah be-Vet ha-Mishpat u-Vet ha-Mishpat ba-Historiyah: Piske ha-Din be-Mishpat Kasztner veva-Nerativim shel ha-Zikaron," *Alpayim* 20 (2000): 36-80.

⁴⁰⁶ *Ma'ariv*, August 28, 1978, 2.

Elazar, and General Eli Zeira, was treated harshly. It might be, that in light of the gloomy public atmosphere following the war, assigning responsibility to figures involved in national intelligence assessment was almost inevitable and even desirable. This chapter did not seek to determine whether the Commission drew the right conclusions or not. And yet, the result of these conclusions was that the Agranat Commission put the cart before the horse, that is, the Commission made a historical judgment without undertaking a comprehensive historical study.

By putting the blame on military men without also scrutinizing political leaders, the Commission left the impression that the Concept was indeed the original sin that shaped the entire Yom Kippur War. The extensive corpus of scholarship about the war that has appeared in recent decades indicates that the historical truth is by far more complicated than the single-minded conceptual paradigm created by the Commission. While this theory seemingly touches on the quintessential problem of the war, it offers a one-dimensional view of the war's origins. Contrary to this perspective, the war was the result not only of military factors, but also social and political actions that are still not fully clear. The gap between the full and swift publication of the interim report in April 1974, and the slow, partial publication of the second and third reports in the years that followed, further deepened the fundamental disparity between the complex history of the war and the one-dimensional perception in Israeli historical memory.

It has been four long decades since the Yom Kippur War ended. Yet, the war still captures a central role in Israeli consciousness. This chapter sought to reconstruct the process that made the Agranat Commission into an agent of history, memory, and language; that is, a kind of a prism through which Israelis reflect about one of the most painful chapters in the history of their country. The factors and circumstances that enabled the Commission to infuse the term "concept" with a narrow meaning focused on intelligence affairs alone, made the Concept into an organizing

principle of the war. How ironic, that the same commission that took issue with what it believed was a stubborn adherence of AMAN's heads to the Concept, unintentionally created a concept of its own that has permeated Israeli historical memory for decades. Indeed, we have reached a point in time where it is extremely difficult to distinguish between the implications of the war, on the one hand, and the effects of the Commission on the other. The Yom Kippur War, the Agranat Commission, and the Concept have become inseparable from one another.

Case Closed – Affair Open: The Bekhor Commission and the Affair of the Arlosoroff Murder

Introduction

Ironically, this chapter pays very little attention to the person who ostensibly stands at its heart. The main contribution of Chaim Arlosoroff (1899-1933) to the following discussion is, after all, his tragic death on 16 June 1933. The death of the director of the political department of the Jewish agency, and the complex affair that followed have been a milestone in history of Zionism. As Shlomo Avineri put it, “*l’Affaire Arlosoroff* was to become the most notorious political murder case in modern Zionist history . . . parallel in its intensity perhaps only to the impact of the Dreyfus Affair on French politics.”⁴⁰⁷ If there is one certain thing concerning the death of Arlosoroff—which divided the *Yishuv*⁴⁰⁸ and poisoned the relations between rival Zionist factions, the Revisionists and Labor, for decades—it is that it was not a natural death. Arlosoroff was murdered during an evening stroll with his wife, Simah, along the beach in Tel Aviv. Today this area is one of the most vibrant parts of the city. On the night of the murder, however, the beach was dark, and the couple believed it to be completely deserted. It was an assumption that turned out to be a deadly mistake.

According to Simah, the only eye witness to her husband’s murder, two strangers started to taunt them as they made their way back to the Keta Dan pension. The first man asked Arlosoroff in poor Hebrew, “What time is it?” He then blinded him with a flashlight. The second man fired a gun one time, hitting Arlosoroff in the stomach. Both men ran without waiting to see if their victim

⁴⁰⁷ Shlomo Avineri, *Arlosoroff* (London 1989), 2. Over the years much has been written about the life and work of Chaim Arlosoroff, who was a renaissance man. See, for example, Joseph Shapiro, *Hayim Arlozorof* (Tel-Aviv 1975); Miryam Getter, *Hayim Arlozorov: Biografyah Politit* (Tel-Aviv University 1977), and the manuscripts by Arlosoroff himself, *Kitve Hayim Arlozorov*, seven volumes, (Tel-Aviv 1934-1935). A short documentary about Arlosoroff’s funeral is available online at <http://www.youtube.com/watch?v=AfrTkLlpn5I> (last visited on April 9, 2014).

⁴⁰⁸ The Hebrew term *Yishuv* denotes the pre-state Jewish community in Palestine.

was dead or not. Two hours later, after copious blood loss, Arlosoroff died on the operating table. During his funeral, which took place on the following day, Tel-Aviv stood still. The shops in the city closed and thousands of people from all across the country and political spectrum paid tribute to him. The murder thus ended the meteoric career of one of the most creative diplomats in all of Zionist history. It was also the beginning of a mystery that remains unsolved to this day.

Who murdered Arlosoroff and why? These questions do not have a single answer. Many theories have been proposed, both in the days immediately following the murder and in the years since. Theories variously attributed the murder to Arabs or Jews, to people from the political Right or the Left, to Nazi or British agents, to communist activists, and even to Simah Arlosoroff, who on the evening of the murder may have been carrying a gun. The two most popular theories from the start, however, came from opposing Zionist political camps: on the one hand, the left-wing Labor movement and Mapai party, and, on the other, the right-wing Revisionists.⁴⁰⁹

Leaders of the Labor movement and Mapai insisted almost from the day of the murder that it was a case of political assassination carried out by Revisionist extremists Avraham Stavsky and Tsvi Rosenblatt. The Revisionist camp and its leader, Vladimir (Ze'ev) Jabotinsky, countered that this accusation was a modern blood-libel, devised to give Mapai political hegemony in the *Yishuv* and the World Zionist Congress. For their part, the Revisionists pinned the murder on two Arabs from Jaffa—Abdul Madjeid and Issa Darwish—who they claimed shot Arlosoroff in an attempt to sexually assault his wife. This version was rejected as early as 1934 by the British Mandate authorities who arrested Madjeid and Darwish but eventually set them free.

⁴⁰⁹ Mapai (Hebrew initials for Workers' Party of the Land of Israel) was established in 1930 as a union of a number of workers parties. For decades, it was the leading party in the Labor camp, the Zionist world, and the Israeli political system. Throughout the chapter, I use the terms "Mapai" and "Labor" alternately.

Over the years, different forums and individuals have been tasked with determining which, if either, of these two narratives was a true accounting of events. These forums included the Mandate authorities, Zionist leaders, professional and non-professional historians, legal scholars, journalists, and the Israeli justice system. Unable to agree upon the identity and motive of the murderers, none was able to bring the affair to full closure. The continuing lack of certainty in the case even made its way into the Israeli idiom “at the end of the day you will blame me for assassinating Arlosoroff,” which came to mean the rejection of an open-ended, but false, accusation.

This chapter does not attempt to solve the mystery of who murdered Arlosoroff. It seeks neither to determine which of the explanations of the murder is correct or incorrect, nor to offer an alternative explanation that has yet to be put forward. Rather, the chapter details decades of efforts to uncover the truth about the Arlosoroff murder and embed it in the collective memory of the *Yishuv* and Israeli society. One of the key points of this process was the establishment in 1982 of an Israeli state commission of inquiry—the Bekhor Commission—which was expected to function as an arbiter of history and agent of memory.⁴¹⁰ The Commission was also considered by some to be the strangest commission of inquiry in the history of the State of Israel.

Although the Commission was established with the approval of the government, the attorney-general, and even the Supreme Court, quite a few scholars, journalists and ordinary citizens ridiculed the Bekhor Commission from the start and subjected it to ongoing contempt. Critics presented it as, among other things, a politically-motivated commission whose purpose was to allow the government to get involved in a historical event that seemed completely removed from

⁴¹⁰ I have elaborated on the terms “arbiters of history” and “agents of memory” in other chapters of the dissertation, including the introduction.

the reality of 1980s Israel. More specifically, some critics saw the Commission as part of a wider struggle over the national historical heritage following the rise of the right-wing Likud party and its first electoral victory in 1977.⁴¹¹ It was insinuated that the prime minister, Menachem Begin, and his Likud government wished the state commission of inquiry to affirm the Revisionist version of the murder and make it an integral part of the nation's historical memory.

According to the Israeli Commissions of Inquiry Law (5729-1968), the government is allowed to set up an inquiry when “a matter exists which is *at the time* of vital public importance and requires clarification” (emphasis added).⁴¹² The Bekhor Commission, however, was mandated to deal with a murder case that occurred years before the establishment of the State of Israel. Moreover, several of the protagonists in the Arlosoroff affair passed away years before the Commission was established, including Avraham Stavsky, who was killed in 1948,⁴¹³ and Simah Arlosoroff, who died in the late 1970s. Thus the government's decision to set up the Bekhor Commission was fraught with problems from the beginning. In addition, there was the question of why the government believed the Commission would succeed in conclusively solving the murder when neither the Mandate court, historians, national leaders, nor anyone else had been able to do

⁴¹¹ The Likud (literally: the consolidation) party was established in 1973 when a number of Zionist right-wing parties joined forces with Herut. (The Herut party was established in the summer of 1948 by a group of Irgun veterans headed by Menachem Begin. The party that presented itself and was widely viewed as the political successor of the Revisionist movement). Between 1948 and 1977 Herut and the Likud led the opposition against the ruling-party Mapai. 1977 was the first time that the Likud and Begin won the national elections. This landmark event in Israeli politics is commonly called “the change” (*ha-mahapakh*).

⁴¹² See section 1 of the Israeli Commissions of Inquiry Law, 5729-1968 (emphasis added). An English translation of the law is available in The State of Israel, *Laws of the State of Israel*, Vol. 23, 5729-1968/69 (Jerusalem 1968/69), 32-39. Under certain circumstances, the State Control Committee of the Knesset (the Israeli Parliament) has the legal right to establish a state commission of inquiry. For further details see Avigdor Klagsbald, *Tribunals of Inquiry* (Jerusalem 2001).

⁴¹³ Stavsky was killed while on board the *Altalenah* ship. The *Altalenah* (pen name for Jabotinsky) was an arms ship of Irgun (a para-military organization affiliated with the Revisionist camp). The commander of the ship was the Irgun's leader, Menachem Begin. In June 1948, shortly after the inception of the State of Israel, the Israeli army (IDF) sunk the *Altalenah* on the Tel-Aviv beach. The attack claimed the lives of sixteen Irgun members and three IDF soldiers. It also brought the young Israeli society to the verge of a civil war.

so in all the intervening years. In the end, the assumption that the Bekhor Commission would be able to determine who murdered Arlosoroff proved incorrect.

The Bekhor Commission's work continued for three years, at the end of which it was still unable to reach a positive conclusion about who murdered Arlosoroff. While the Commission definitively found that Stavsky and Rosenblatt did not commit the murder, the evidence and material brought before it were not sufficient to enable it to determine "who the murderers were," and "whether it was a political murder on behalf of any party, or not."⁴¹⁴ It is therefore not surprising that some people who were convinced that Stavsky and Rosenblatt, or Abdul Madjeid and Issa Darwish, murdered Arlosoroff, viewed the Commission as a complete failure. This chapter, on the other hand, argues that the work of the Commission needs to be evaluated by more than just its ability or inability to clarify the murder it was tasked to investigate.

Ideally, commissions of inquiry, including the Bekhor Commission, are indeed fact-finding bodies. However, due to their special status as a state apparatus that, on the one hand, arises from governmental power, and, on the other, does not totally fit into any of the existing archetypes of the executive, legislative, and judicial branches, commissions have the potential to accomplish socio-political functions these others do not. To nuance this point it is imperative not to divorce commissions from the social, political and cultural circumstances under which they were created.⁴¹⁵ Specifically in the context of the Bekhor Commission this means that one needs to set

⁴¹⁴ *The State Commission of Inquiry into the Murder of Dr. Chaim Arlosoroff Report* (Jerusalem 1985) (Hereafter, the Bekhor Report), 202. I borrow this quote from the official press bulletin of June 4, 1985. The document includes a translation of several excerpts of the Bekhor Report, which was not translated into English in its entirety. Unless otherwise stated, all quotes of the report are taken from this document along with a reference to the page number in the original Hebrew version. All other translations in this chapter are mine. I would like to use this opportunity to thank Judge Alon Gilon, the secretary of the Bekhor Commission, for giving me a copy of the press bulletin.

⁴¹⁵ See Giselle Byrens, *Waitangi Tribunal and New Zealand History*, (South Melbourne and New York: 2004), 10 and Jonathan Simon, "Parrhesiastic Accountability: Investigative Commissions and Executive Power in an Age of Terror," *The Yale Law Journal* 114:6 (2005): 1419-1457.

the work of the Commission in the context of former attempts to investigate the Arlosoroff murder. As we will see, the events that led to the setup of the Commission and the procedures the Commission utilized to examine the case are critical for understanding its social importance in a way that exceeds its limited ability to find facts. This also emphasizes the tripartite research challenge faced by the Commission—the fusion of legal, political, and historiographical factors. As such, this chapter increases our understanding of processes of writing history, the formation of collective memory, and the ways in which Israeli society has struggled for historical truth. By placing the Bekhor Commission in the context of former attempts to clarify the Arlosoroff murder, and by addressing the way in which the Commission itself tried to meet its challenge, the chapter concludes that the Commission functioned as an exceptional site of memory.⁴¹⁶ While the Commission was the climax of a decades-long process to resolve the affair of the Arlosoroff murder once and for all, its willingness to acknowledge its own inability to determine the identity of Arlosoroff’s murderers made this climax look like an anti-climax. In practice, however, the final conclusions of the Commission reflected a balanced research approach, which stands in contradiction to former attempts to bring closure to the affair.

This chapter covers about ninety years of inquiry into Arlosoroff’s murder. It begins in the 1920s, when Mapai and Revisionist activists incited their peers against their political rivals, and ends with twenty-first-century references to the case. This timeline will not be plotted out in a linear way but based on the following outline. Divided into four sub-sections, the first section of the chapter is largely descriptive. It introduces the protagonists and narrates the milestones of the affair in the 1930s. The section pays special attention to the way the two main narratives about the

⁴¹⁶ The term “site-of-memory” (*Les Lieux de Mémoire*) is borrowed from the work of Pierre Nora, “Between Memory and History: *Les Lieux de Mémoire*,” *Representations* 26 (1989): 7-24.

murder—those of the Labor movement and the Revisionists—have been formed. We will see that like other theories about the murder that never came out from under their shadow, the narratives of Mapai and the Revisionists were founded on the basis of wishful thinking and political bias, not on the basis of empirical evidence. In other words, as different as these two narratives were from one another, both emanated out of the mutual political animosity that existed from the 1920s. Since both parties were motivated by their own political truths, which were contrary to the political truths of their opponent, both expected the British Mandate legal system not to unveil the truth about the murder, but to confirm the truth they already knew.⁴¹⁷ That said, neither of the narratives satisfied the legal burden of proof. The decision of the Mandate Criminal Court of Appeal to acquit Stavsky in July 1934 for technical reasons stood in contradiction to the political truths of the parties. As a result, the court did not put an end to the affair but, instead, exacerbated the political animosity between the parties.

The chapter's second section follows the legal complications of the 1930s into the 1960s and 70s by way of two libel cases that incriminated Tsvi Rosenblatt and others on the Zionist Right with carrying out the murder. The importance of these trials lay in the Revisionist attempt to use the Israeli legal system to present Mapai as an immoral party and to investigate the unsolved murder. An additional issue that arises from these libel cases, and is the subject of the third section,

⁴¹⁷ I use the term “political truth” to denote a “truth based on political acceptability rather than objectivity” (Simon, “Parrhesiastic Accountability,” 1434.) About the difference between this kind of truth and other truths such as “legal truth,” “absolute truth,” and “historical truth,” see the piece by Giorgio Resta and Vincenzo Zeno-Zencovich, “Judicial ‘Truth’ and Historical ‘Truth’: The Case of the Ardeatine Caves Massacre,” *Law and History Review* 31:4 (Nov. 2013): 843-886; Carlo Ginzburg, *The Judge and the Historian: Marginal Notes on a Late-Twentieth-Century Miscarriage of Justice* (London and New York 1999); Austin Sarat and Thomas R. Kearns, eds. *History, Memory and the Law: The Amherst Series in Law, Jurisprudence, and Social Thought* (Michigan 2002); Aharon Barak, “‘Al Mishpat Shiput ve-Emet,” *Mishpatim* 27:11 (1996): 11-16; Haim Cohen, “Din Emet la-Amito,” in *Gevurot Le-shimon Agranat*, eds., Aharon Barak et.al. (Jerusalem, 1987), 35-87; Asher Maoz, “Historical Adjudication: Courts of Law, Commissions of Inquiry, and ‘Historical Truth,’” *Law and History Review* 18:3 (autumn 2000): 565; and Nina Salzmann, “Emet 'Uvdadit ve-Emet Mishpatit—Meni'at Meda mi-Veit ha-Mishpat leshem Haganah 'al 'Arakhim Hevratyim,” *Iyune Mishpat* 24 (2001): 263-279.

was spearheaded by attorney Shmuel Tamir (Katznelson). It relates to a critical component of the Arlosoroff affair since the end of the 1934 murder trial. Revisionist activists who believed in the “blood libel” thesis—which claimed that Mapai sought to incriminate Stavsky and Rosenblatt to make political profit—considered the Arlosoroff murder to be unfinished business. Conversely, there were those in the Labor movement who preferred to ignore the case completely. Some Labor activists even tried to prevent the writing and publication of historical studies of the murder and its aftermath.

The fourth section of the chapter will illustrate this friction between remembering and forgetting the murder while following decades-long attempts to establish a commission of inquiry. While Revisionist activists and veterans of the Revisionist movement sought to establish a commission from the 1930s, senior members within the Labor movement were able to stop them time and time again. The door to the establishment of the Bekhor Commission was opened only with the political change of 1977, when, with the victory of Likud in the general elections, the Left lost power for the first time in Israeli history.

The fifth part of the chapter will discuss the book *The Arlosoroff Murder* by historian and journalist Shabtai Teveth, the publication of which in 1982 was the direct catalyst for the establishment of the Bekhor Commission. The ways in which the Begin government interpreted the book, and the legal challenges that inhibited the beginning of the work of the Commission, will constitute the bulk of the section.

The sixth and final section of the chapter focuses on the public debate that accompanied the Bekhor Commission from its outset, and the way in which it tried to meet its research challenges.

The chapter therefore deconstructs a prolonged and complicated fight for the historical truth, fusing legal, political, and historiographical components. The road that led to the creation of the Bekhor Commission was long, steep, and winding. Focusing only on the destination, that is, the final conclusions of the Commission, would be simplistic and one-dimensional. The bird's-eye view afforded by this chapter reveals the Bekhor Commission to have been much more than just a fact-finding mechanism. It was a lens that illuminated the nature of the historian's craft, the functions that the historical discipline performs, or is supposed to perform, and the affinity it maintains with other domains such as law and politics.

The Formation of the Main Narratives about the Arlosoroff Murder

Explanations and Alternative

Some of the theories that were raised over the years concerning the death of Chaim Arlosoroff appear to have been taken straight out of a detective novel. If they were founded on anything at all, it was weak circumstantial evidence and a well-developed imagination. One such example is a theory that was raised for the first time decades ago and recently published in the form of a historical novel.⁴¹⁸

According to this theory, Arlosoroff was murdered by Nazi agents who acted on behalf of the Nazi propaganda minister, Josef Goebbels. This premise was based on Arlosoroff's part in the Transfer Agreement, whereby Zionists sought to initiate contact with the Nazi leadership in order to facilitate Jewish emigration from Germany to Palestine.⁴¹⁹ To this end, Arlosoroff allegedly

⁴¹⁸ Tobie Nathan, *Who Killed Arlosoroff?* (Tel-Aviv 2013).

⁴¹⁹ Nazi Germany, the Zionist Federation of Germany and the Anglo-Palestinian Bank signed the "Transfer Agreement" on 25 August, 1933. The agreement allowed German Jews to leave the country with at least some of their private property, which was transferred to Palestine in the form of German goods.

tried to renew his earlier ties to Goebbel's wife, Magda, who, as a teenager, had been on friendly terms with him and his sister Lisa. It was rumored that the relations between the young Arlosoroff and Magda had evolved into a romantic relationship.⁴²⁰ The murder of Arlosoroff, according to this theory, was motivated by the propaganda minister's disgust at the thought that his wife had an intimate relationship with a Jew. According to an alternate explanation, Goebbels was concerned that the prior relationship between his wife and Arlosoroff would become public.

The only problem with this story is that there are no solid facts to prove it. First, the Arlosoroff family dismissed it decades ago as total nonsense. Secondly, it is understood that in his last visit to Berlin, a few days before his death, Arlosoroff contacted only Jewish representatives and not Nazi officials. It is therefore not surprising that historian Yechiam Weitz argues that "the Nazi theory" about the murder is the most far-fetched of them all.⁴²¹

Other theories about the murder attributed it to members of the Palestine Communist Party (PCP), supporters of the Labor movement (to which Arlosoroff was affiliated), and even to Arlosoroff's widow.⁴²² While these theories might contain a kernel of truth—PCP activists were detained for investigation, and some Labor activists wanted Ben-Gurion as their leader, not Arlosoroff—these theories are speculative and supported by no more than partial circumstantial

⁴²⁰ Interestingly, early in her life Magda was adopted by a Jewish father and was called Magda Friedländer. About the personal relations between Chaim Arlosoroff and Magda, see Anja Klabunde, *Magda Goebbels* (London 2002); Margot Klausner, *Sufat Sivan: Parasha Ahronah be-Haye Haim Arlosoroff* (Tel-Aviv 1956), 45-47; Bella Fromm, *Blood and Banquets: A Berlin Social Diary* (London 1942); Shabtai Teveth, *Retsah Arlosoroff* (Jerusalem and Tel-Aviv 1982), 35-36 (hereafter, Teveth, *The Arlosoroff Murder*), and Anna Maria Sigmund, *Women of the Third Reich* (Canada 2000), 69-95. Also see the testimonies given to the Bekhor Commission by Chaim Arlosoroff's son, Saul, and by Max Flasch, which are available at the Israel State Archives (hereafter: ISA) C-7120/12 and C-7120/10, respectively.

⁴²¹ And yet, the "Nazi theory" about the murder has not been completely ruled out, and according to the researcher Shlomo Nakdimon, it should not be disqualified outright. See the pieces by Yechiam Weitz, "*Ha-Pitron he-Hazuy Beyoter le-Hitdat Retsah Arlosoroff*," *Haaretz*, June 11, 2013, and compare to Shlomo Nakdimon, "*Az Mi Retsah et Arlosoroff? Ve-Lama?*," *Haaretz*, July 2, 2013.

⁴²² About these theories see David Tidhar, *Be-Shirut ha-Moledet (1912-1960): Zikhronot, Demuyot, Te'udot ve-Temunot* (Tel-Aviv 1960-61), 412-420; Teveth, *The Arlosoroff Murder*, 269-270 and Shmuel Dothan, *Reds: The Communist Party in Palestine* (Kfar-Sava 1991), 184-195.

evidence. Certainly, the PCP had an intense aversion to the Labor movement, which they desecrated as a nationalist and anti-internationalist movement.⁴²³ It is also clear that communist activists despised Arlosoroff as an architect of the Transfer Agreement which they contended strengthened the Nazi economy and jeopardized Soviet interests. At least on paper, the PCP had a motive to murder Arlosoroff. Likewise, supporters of David Ben-Gurion who wanted him to lead Mapai saw Arlosoroff's meteoric career as a major hindrance to Ben-Gurion's control. Retrospectively, it is clear that Arlosoroff's death indeed gave Ben-Gurion the opportunity to become the undisputed leader of Mapai and the Jewish Agency. Nevertheless, as with the "Nazi theory" of the murder, these theories involving either the PCP or the Labor movement lack empirical evidence. They leave a long list of basic questions unanswered, regarding the identity of the murderers, the way they committed it, and how they got away with it.

It is not surprising that these theories never came out from under the shadow of the main narratives of the murder, that is, those put forward by the Labor movement and the Revisionists, both of which are also circumstantial in nature. As we will see in the following pages, these principal narratives emerged within days of the murder based on prior beliefs, intuition, and political interests, not on clear-cut evidence.

No Proof – No Doubts

Just a day after the murder, on the June 17, 1933, the Histadrut (The General Federation of Laborers in the Land of Israel) published the following statement:

⁴²³ About what scholar Zeev Sternhell reads as the imbalance between the socialist and nationalist features of the Labor movement in its formative years, see his book, *Nation and Building or a New Society? The Zionist Labor Movement (1904-1940) and the Origins of Israel* (Tel-Aviv 1995).

Chaim Arlosoroff has been murdered . . . We do not yet know from which dark corner this disaster came upon us . . . We do not know whose murderous hand it was and what was its goal, we are not permitted to determine certainties based on speculations and calculations. But we do know this—the hand was directed at *us* and it hit Arlosoroff, a messenger of our movement . . . We have only one thing to say at this time: the murder hit our hearts like an arrow. But if there are those who think that by murdering our leaders, our enterprise will be murdered as well, the historical enterprise of Zionism and the enterprise of the worker's movement—then they do not comprehend the spirit of our movement.⁴²⁴

A double and contradictory message transpired from this announcement. On the one hand, it stressed uncertainty about the identity of the murderers, and warned against jumping to rash conclusions. On the other hand, the statement made clear that the rationale of the murder was grounded in politics, whether directed against the Zionist movement as a whole, or the Labor movement specifically.

Similar statements on behalf of the Histadrut and its chairman, David Ben-Gurion, were published in the days that followed.⁴²⁵ Yet again, these statements did not include explicit mention of the Revisionist movement or specific suspects. But the repeated call to avoid retribution amplified a common notion among leaders and followers of the Labor movement and Mapai: that the murder was the result of the political rivalry between their camp and the Revisionists. Ben-

⁴²⁴ *Davar*, June 17, 1933, 1 (emphasis in the original). The announcement was reprinted by Mifleget Po'ale Eretz Yisrael, *Ketavim ve-Te'udot 5689-5695* (Tel-Aviv 1935), 167-168.

⁴²⁵ In a statement dated 20 June, the public was called to show restraint: "We must not make up our mind and cast judgment until the final conclusion is determined! Restraint and clear mindedness must accompany *all* stages of the investigation and the trial . . . Any hint of revenging thoughts—will be strangled as soon as they are found out," *Davar*, June 20, 1933, 1 (emphasis in the original). Regarding the calls of Ben-Gurion not to revenge see Teveth, *The Arlosoroff Murder*, 105 and Shabtai Teveth, *Kin'at David: Haye David Ben-Gurion*, Vol. III (Jerusalem and Tel-Aviv 1987), Vol. III, 48.

Gurion gave witness to this belief as early as June 23, when he wrote in his diary that “it cannot yet be determined that a Revisionist murdered [Arlosoroff] but it can be speculated on the basis of the pogrom like incitement of Jabotinsky against the workers.”⁴²⁶

We will say more about this incitement later. At this point, it is important to mention that just as Ben-Gurion and his peers in Labor believed that Revisionist activists were responsible for the murder, so Revisionists felt that their political camp was being held responsible for the murder without reason. The first official reaction of the Revisionist movement to the murder was on June 21.⁴²⁷ Stavsky had been brought in for his first interrogation two days earlier. The Mandate authorities had not yet released any information about the investigation, let alone pressed charges against Stavsky or anyone else. At this point, then, Stavsky was totally anonymous in the *Yishuv*. *Davar* newspaper, the mouthpiece of the Labor movement in Palestine, published his name for the first time on June 22 without bothering to mention his association with the Revisionist movement.⁴²⁸ Nevertheless, on the previous day the Revisionist Zionist Alliance [hereafter, RZA] published in *Davar* a statement that condemned the murder, presented it as an “anti-Zionist and anti-Jewish” act, and warned against mutual suspicion that could break up the *Yishuv* from within.⁴²⁹ There was no specific reference to the tension between the Labor movement and the Revisionists. The Revisionist statement also does not directly mention rumors about possible

⁴²⁶ I borrowed the quote from Yechaim Weitz, *Between Ze'ev Jabotinsky and Menachem Begin: Essays on the Revisionist Movement* (Jerusalem 2012), 62. Also see David Ben-Gurion, *Zikhronot*, Vol. II 1934-1935 (Tel-Aviv 1972), 100-102.

⁴²⁷ According to a preliminary informal reaction of Revisionist activists immediately after the murder, the murderer of Arlosoroff was a communist activist who was “planted” within the movement by the Comintern. See *Davar*, July 7, 1933, 3; Shabtai Teveth, *Kin'at David*, 49, and Teveth, *The Arlosoroff Murder*, 121. This position seemingly supports the theory about the PCP involvement in the murder. Nevertheless, this position was replaced shortly thereafter—no later than June 28, 1933—in favor of the claim that the murderers were Arabs. See the statement Jabotinsky delivered in Warsaw on June 28, 1933 (a Hebrew version is available on the website of the Jabotinsky institute in Israel (hereafter: JIA) at: http://jabotinsky.org/jabo_multimedia/articles/hebrew/1933_20.pdf

⁴²⁸ *Davar*, June 22, 1933, 1.

⁴²⁹ *Davar*, June 21, 1933, 3.

Revisionist involvement in the murder. Yet, the mere fact that the statement was published in the opposition's paper suggests the desire to quell suspicions about Revisionist involvement. Furthermore, on the following day, June 22, the leader of the Revisionist movement, Jabotinsky, published an article which addressed the sentiment of Revisionists who felt that Labor unjustly held them responsible for the murder.⁴³⁰

Entitled "Cool and Still," the article, which was published in the Yiddish Warsaw newspaper *Der Moment*, laid the foundation for the Revisionist narrative. Jabotinsky condemned the murder and the agitation against his movement by setting events in the context of the run up to the elections for the 18th Zionist congress (August 1933). According to Jabotinsky, Labor and Mapai hoped that by smearing the Revisionist movement they would rally support for the elections. In his article, Jabotinsky reminded his readership that every accused is innocent until proven guilty, and that no group should be discredited due to the act of one individual. As an example, Jabotinsky drew parallels between the Arlosoroff case and the antisemitism surrounding the Dreyfus case in France and the Russian blood libel trial of the Jew, Mendel Beilis.⁴³¹ The article ends by addressing the opponents of the Revisionists—a call that Jabotinsky presented "coolly but sternly"—to stop using the murder for political ends.⁴³²

⁴³⁰ Ze'ev Jabotinsky, "Kalt und Fest" (Cool and Still), *Der Moment*, June 22, 1933. A copy of the original piece is available online at: http://www.jabotinsky.org/jabo_multimedia/articles/idish/1933_131.pdf . For further details regarding "Kalt und Fest" see Ha-Va'ad le-Hotsa'at Sefer Betar, *Sefer Betar: Korot u-Mekorot* (Jerusalem 1969-1973), 51-52.

⁴³¹ Menachem Mendel Beilis (1874-1934) was a Ukrainian Jew who in 1911 was accused of committing a ritual murder. He was eventually acquitted in 1913 at the end of a trial that excited the Jewish world. Beilis' story is normally presented as the most recent blood-libel in Jewish history. About the trial, see Azekiel Leikin, ed., *Beilis Transcripts: The Anti-Semitic Trial that Shook the World* (Northvale, NJ 1993) and Robert E. Weinberg, "The Trial of Mendel Beilis: The Sources of 'Blood Libel' in Late Imperial Russia," in *Russia's Century of Revolutions: Parties, People, Places*, eds., Michael S. Melancon and Donald J. Raleigh (Bloomington 2012), 17-36.

⁴³² Also relevant here is the official statement Jabotinsky made on June 23, 1923. A copy of the statement is available at the JIA, C-3, 2/9, 7. A copy of the original is available online at: http://jabotinsky.org/jabo_multimedia/documents/bef-linlinked/%D7%923%20-2_9.PDF

This was the first of dozens of articles that Jabotinsky wrote about the murder and its political fallout.⁴³³ What they all had in common was the deep conviction of the author that his political camp and the Revisionist members who were put on trial for the murder in 1934 were innocent of the crime.⁴³⁴ As biographers of Jabotinsky mention, this conviction was almost instinctive.⁴³⁵ Jabotinsky and the Revisionist movement stood behind the accused during their trial, financed their legal defense, and fought for their reputation across the front pages of Jewish newspapers inside and outside Palestine.

Soon after the murder, in June 1933, Jabotinsky voiced the opinion that Arlosoroff's killers were Arabs and not Jews. This opinion appeared to be substantiated in January 1934, when Abdul Madjeid confessed to the police about his part in the murder. Jabotinsky was convinced that he and another Arab, Issa Darwish, whom the police also detained for investigation, were the murderers. Madjeid later retracted his confession for reasons that were never fully clarified but later admitted guilt again. His second confession to the police was given when the legal proceedings against Stavsky were in an advanced phase. This and the fact that Simah Arlosoroff insisted that Madjeid was not the murderer prevented the police from presenting his statement to the court. The question of whether Madjeid was indeed Arlosoroff's murderer remains open, especially since he allegedly told several people about his part in the crime. In late 1934, Madjeid

⁴³³ The bibliographic details of the pieces by Jabotinsky are available in the volume by Mina Graur, *The Writing of Ze'ev Jabotinsky: A Bibliography 1897-1940* (Tel-Aviv 2007).

⁴³⁴ See Joseph Schechtman, *Rebel and Statesman: The Vladimir Jabotinsky Story* (Tel-Aviv 1959), Vol. II, 244; Shmuel Katz, *Lone Wolf: A Biography of Vladimir (Ze'ev) Jabotinsky* (New York 1996), 1371. Also relevant here is the piece by Ze'ev Jabotinsky, "Auf der Sheid Weg" (A Few Steps from the Crossroads), *Der Moment*, June 16, 1934. A Hebrew version of the piece was published on June 19, 1934, in *Ha-Yarden*. A copy of the piece is available online at: http://www.jabotinsky.org/jabo_multimedia/articles/hebrew/1934_14.pdf

⁴³⁵ Interestingly, Stavsky also enjoyed the public support of tens of rabbis, including the Chief Rabbi of Palestine, Avraham Yitzhak ha-Cohen Kook, who was willing to swear about Stavsky's innocence on Yom Kippur in front of an open Torah ark. For further details about that see Ch. Ben Yerocham, *The Great Libel: The Arlosoroff Case* (Tel-Aviv 1982), 154, 162-164, 169. (Ch. Ben Yerocham was one of the pen names of Dr. Merhavia Hen-Melekh). Historian Hillel Cohen mentions that, in the context of the 1929 Riots, Rabbi Kook found it hard to believe that Jews could murder other Jews. See Hillel Cohen, *1929: Year Zero of the Jewish-Arab Conflict* (Jerusalem 2013), 151-152.

was convicted of murdering another Arab from Jaffa, for which he served a long prison sentence. Over the years, prison cellmates claimed that Madjeid repeatedly confessed to killing Arlosoroff.⁴³⁶ These hearsay testimonies do not explain why Madjeid willingly confessed to the murder but, in any case, the Mandate police chose not to press charges against either Madjeid or Darwish.

In April 1934, Stavsky, Rosenblatt, and other Revisionists stood trial for direct and indirect involvement in Arlosoroff's murder. As we will see in the following pages, none was convicted for direct involvement in the crime. Even so, Labor leaders remained convinced—before, during, and after the trial—that Revisionist activists plotted and committed the murder for political reasons.

Repressed Doubts

Historian Anita Shapira points out, “[T]he guilt of Stavsky and his colleagues was a tenet of faith for the leaders of the Histadrut and Mapai, and nobody dared openly to refute the charges.”⁴³⁷ Some leaders of the Histadrut and Mapai, however, had doubts regarding the guilt of the Revisionists who were put on trial.

One of those who harbored doubt was the editor of the *Davar* newspaper, Berl Katznelson. The suspicion that the Revisionist's guilt was refutable crept into Katznelson's mind because of an independent investigation conducted by four other senior members of the Histadrut and the

⁴³⁶ See Haim Guri, *Ha-Sefer ha-Meshuga* (Tel-Aviv 1971), 136-137; Menachem Levin, *The Scroll of Menachem* (Tel-Aviv 2008), 66; Uriel Ben-Ami, *Last Roar in Metula* (Tel-Aviv 1990), 94-98, and Dan Margalit, *Ra'iti Otam* (Tel-Aviv 1997), 204. Some witnesses, who testified before the Bekhor Commission in the 1980s testified that Abdul Madjeid used to boast about the murder of Arlosoroff. See the testimonies of Yitzhak Hankin and Von Weisl at ISA, C-7125-46, especially page 10, and ISA C-7120/12, 604, respectively. Also see the letter General Shlomo Arel wrote to Prof. Yosef Nedava on May 26, 1983, ISA C-7120/5, and the letter by Max Seligman to Margot Klausner, November 10, 1948, The Central Zionist Archives (hereafter: CZA) A493-99.

⁴³⁷ Anita Shapira, *Berl: The Biography of a Socialist Zionist* (Cambridge 1984), 197.

Haganah beginning in June 1933. The four—Eliyahu Golomb, Dov Hoz, Shaul Avigur and Yosef Dekel—collected incriminating evidence against the Revisionists and passed it on to the Mandate police. The nature of that independent investigation, which came to be known as the Committee of Four, was a point of contention between supporters of the Labor movement and the Revisionists. As historian Ya’akov Shavit has noted, the internal investigation mechanism of the Labor movement was accused of not wanting “to uncover the truth but rather to incriminate the accused by all possible means, including forging testimony and evidence or hiding other testimony and other evidence. A description of this internal mechanism in the Revisionist literature is compared with Soviet political policing tactics including its brutality.”⁴³⁸ Shavit himself, one should note, like other scholars such as Shabtai Teveth, rejected these claims categorically.⁴³⁹ By 1934, Berl Katznelson, however, was convinced that this internal investigation was indeed being conducted too aggressively. Yet, despite his doubts about the Revisionists’ guilt, Katznelson expressed the dominant Labor line.

The activities of the Committee of Four went hand in hand with another Revisionist accusation that one of the legal advisors of the Histadrut, Dov (Bernard) Joseph, was actively trying to incriminate the Revisionists by assisting and providing information to the British prosecutor.⁴⁴⁰ Although there was no agreement whether Joseph acted unlawfully to secure the conviction of the accused, it is indisputable that he maintained close ties with the prosecution. It

⁴³⁸ ISA C-7124/4, 21-22.

⁴³⁹ See, for instance, Teveth, *The Arlosoroff Murder*, 127 and compare to alternative accounts about the “Committee of Four”; Ben Yerocham, *The Great Libel*, 77-78; Tidhar, *Be-Shirut ha-Moledet*, 408-412, and Menachem Sarid, *Chosen to Govern: The Struggle for the Hegemony on the Yishuv and Zionism 1930-1935* (Hertseliyah 2005), 353-354. Interestingly, the biographer of Shaul Avigur also mentions that the said committee had employed inappropriate means to assure that the accused Revisionist were incriminated. See Arie Boaz, *Unseen yet Always Present: The Life Story of Shaul Avigur* (Tel-Aviv 2001), 61.

⁴⁴⁰ Later in his life, Joseph became a member of Knesset and a minister in a number of Mapai governments.

was also rumored that Histadrut played a significant role in financing the legal defense of Abdul Madjeid—a presumption that no one has been able to prove or refute.

In late 1934, the Criminal Court of Appeal of the Mandate authorities determined that members in Mapai and in the *Davar* newspaper, including Berl Katznelson and Yitzhak Ben-Aharon, tried to influence the court to convict Stavsky and Rosenblatt by publishing articles about the murder.⁴⁴¹ Such attempts were not unique to the Labor movement. Three newspapers associated with the Revisionist movement—*Doar Hayom*, *Hayarden* and *'Iton Meyuhad*—published articles maintaining Stavsky's innocence. Found to be a threat to public order and an attempt to influence the judicial process, the three newspapers were convicted of contempt of court by the Mandate authorities and fined.⁴⁴²

Another person who had to deal with a predicament similar to Berl Katznelson was Dov (Stock) Sadan who, during the murder trial was one of the editors of *Davar*.⁴⁴³ Like Katznelson, Sadan had grave doubts about the Revisionists' guilt. He testified to this in a private letter that was published only in 1984. According to Sadan, in the Mapai circles there was a “concept” about the guilt of the Revisionists despite the poor evidential material that was collected against them in the course of the trial.⁴⁴⁴ To this, he added that “the public believed in the concept and out of this belief the public is interested in it and even its spokespersons do not differentiate between he who could be a candidate murderer because he blabbered the way he blabbered . . . and he who actually

⁴⁴¹ Supreme Court Jurisdiction (SCJ) 9/34, Avraham Stavsky v. Y. Ben-Aharon, *Ha-Po'el ha-Tsa'ir*, B. Katznelson, D. Melnik, and *Ahdut* Publication House.

⁴⁴² See “*Mishpat ha-'Itonim 'al Bizyon Bet ha-Mishpat*,” *Doar Hayom*, July 11, 1934, 1, and “*Pesak ha-Din be-Mishpat Sheloshet ha-'Itonim*,” *Doar Hayom*, July 13, 1934, 1, 4.

⁴⁴³ Later in his life, Sadan went on to become one of the most important Hebrew literary scholars in the country.

⁴⁴⁴ Dov Sadan, “*Dov Sadan Me'id bi-Khetav 'al Haputo shel Abba Achimeir be-Farashat Retsah Arlosoroff*,” *Prozah* 73-74 (1984): 27.

murdered.”⁴⁴⁵ This was a reference to the involvement in the case of the intellectual and right-wing activist Dr. Abba Achimeir, although Sadan does not mention him by name.

Achimeir assumed a central role in the affair. Not only was he Stavsky’s roommate, he was also a co-defendant in the murder trial. In August 1933, together with Stavsky and Rosenblatt, Achimeir was accused of inciting Arlosoroff’s murder. To get to the bottom of this aspect of the affair, it is necessary to give some background about the League of Thugs (*Brit ha-Biryonim*), in which Achimeir assumed a leading position. Moreover, it is vital to examine the hostilities within the Zionist movement during the years that led up to the killing. It was these tensions that encouraged the hastiness with which Labor and the Revisionists formed their narratives about the murder.

Brit ha-Biryonim, founded in 1930/1, was a group of a few dozen men and women who identified with the maximalist faction within Jabotinsky’s Revisionist movement. Not only did they harshly criticize Labor for its willingness to cooperate with the mandatory authorities, they objected to other Revisionists who favored partnership with Britain. In contrast, the members of *Brit ha-Biryonim* demanded that the British be driven from Palestine by force. Notwithstanding that difference in policy, the heads of the faction demonstrated a near blind admiration to Jabotinsky. Abba Achimeir, who was one of the leading writers in the group’s publication *The People’s Front* (*Hazit ha-‘Am*), called him “our Il Duce.” The admiration was not mutual. Jabotinsky disliked the extreme rhetoric used by the alliance in general and by Achimeir in particular. In May 1933, he

⁴⁴⁵ Ibid. In an interview Sadan gave in 1985 to journalist and historian Shlomo Nadkimon, Sadan argued that he was willing to make his opinion about the murder public in 1934. He did not do that simply because the court did not call him to testify (Shlomo Nadkimon, “Dov Sadan: *Lo Shatakti*,” *Yediot Ahronoth*, June 18, 1985).

warned the editors of *The People's Front* that if they did not cease praising Hitler's nationalism he would remove them from the ranks of the movement.⁴⁴⁶ *Brit ha-Biryonim's* extreme rhetoric, however, was tempered by limited action. The group was quite small, and up to the time of the Arlosoroff murder its members staged no more than five actions, which were mainly symbolic in nature. These included a demonstration against the visit of the deputy British colonial minister, Sir Thomas Drummond Shiels, and disruption of a lecture by Norman Bentwich at the Hebrew University of Jerusalem in which Bentwich expressed pacifist opinions.⁴⁴⁷ In sum, *Brit ha-Biryonim* was distinguished in the Revisionist movement by their proclivity for verbal political incitement and limited violence against their Labor opponents. As demonstrated by historian Anita Shapira, this phenomenon was not one sided. It was accompanied by physical and verbal violence on the part of the Labor movement towards Revisionists, chiefly in the period after the 1929 riots in Jerusalem.⁴⁴⁸ In this respect, the agitation that predated the elections to the 18th Zionist congress and led to Arlosoroff's murder was the culmination of a process that had begun in the late 1920s.

Senior figures in the Labor movement and the Histadrut, such as David Ben-Gurion, Moshe Beilinson, and Berl Katznelson, equated Revisionism with European Fascism. Likewise, elements in the Revisionist movement—mainly those connected to *The People's Front* newspaper—lashed out at the leadership of the Labor movement. Their targets included Arlosoroff who, like his peers in the Labor's leadership, was cast as a socialist who lacked a national backbone. An article published in *The People's Front* on June 16, 1933, the day of the murder, was entitled “The

⁴⁴⁶ Teveth, *The Arlosoroff Murder*, 49 and compare to the ISA C-7121/4, 9 and 17.

⁴⁴⁷ Anita Shapira, *Land and Power: The Zionist Resort to Force, 1881-1948* (Stanford 1992), 201. For further details about *Berit Ha-Biryonim* see Yosef Ahimeir and Shmuel Shatski, eds., *Hinenu Sikarikim: Eduyot u-Mismakhim 'al Berit ha-Biryonim* (Tel-Aviv 1978); Abba Achimeir, *Berit Ha-Biryonim* (Tel-Aviv 1972); Haim Dviri, *Unforgettable Spring Day* (Tel-Aviv 1986), 55-91; and Ya'akov Orenstein, *Bi-Khevalim: Mi-Zikheronotav shel Lohem* (Tel-Aviv 1972), especially pages 58-62, 91-94, and 111-115.

⁴⁴⁸ Anita Shapira, “*Ha-Viku'ah Be-tokh Mapai 'al ha-Shimush be-Alimut, 1932-1935*,” *Ha-Tsiyonut* 5 (1978): 141-175. About the 1929 riots, see Cohen, 1929.

Stalin—Ben-Gurion—Hitler pact.”⁴⁴⁹ Arlosoroff was nicknamed the “Red toddler” by the author, Yohanan Pogravinsky, and someone inclined to sign the Transfer Agreement out of greed. This extremist tone also characterized Achimeir’s writings from his articles in the *Doar ha-Yom* newspaper to his personal column “From the Notepad of a Fascist” (*Mi-Pinkso shel Fashiston*).⁴⁵⁰ The arrest of Achimeir in August 1933 on suspicion of inciting the murder of Arlosoroff therefore did not come as a surprise to anyone, let alone to members of the Labor movement.

Achimeir was released from prison in May 1934, after the court acquitted him of direct involvement in the murder. This did not, however, end his involvement in the case. In June of that year Achimeir faced another trial together with several of his peers in *Brit ha-Biryonim*. The group was accused of incitement to violence, unlawful incorporation, and propagating illegal activity.⁴⁵¹ Unlike the first trial, Achimeir was less lucky this time around. Known as the “Strongmen Trial,” it ended in the conviction of the accused. Achimeir received twenty-one months in prison with hard labor, which was commuted to eighteen months of jail time “alone.” Other activists, such as Haim Dviri and Ya’akov Orenstein, were given shorter sentences.

One of the central pieces of evidence that enabled the conviction of Achimeir was a document he authored, probably in 1927, entitled “The Sicarii Scroll.” This document was described during the trial as a philosophical-historical manifesto, the goal of which was to promote terrorism.⁴⁵² The name of the piece alluded to the ancient Sicarii sect—the extremist Jewish

⁴⁴⁹ A copy of the piece by Yohanan Pogravinsky is available in Teveth, *The Arlosoroff Murder*, 302-306.

⁴⁵⁰ The duality that characterized the League of Thugs is embodied also in the biography of Abba Achimeir. As Anita Shapira put it, “[T]here was a certain incommensurability between Achimeir’s [*sic!*] personality as a sensitive human being, apparently unable to harm a fly, and his uninhibited message of aggressive violence” (See Shapira, *Land and Power*, 202 and compare to Tom Segev, “*Mi-Pinkso shel Fashiston*,” *Haaretz*, April 20, 2012). Interestingly enough, while Achimeir became a symbol of extreme Zionist Right, he began his political career as a socialist.

⁴⁵¹ Mandatory Criminal Assize Case 110/34 Misdemeanor. The Attorney General V. Achimeir & Others. Also see Ben Yerocham, *The Great Libel*, 206.

⁴⁵² H. Ben-Meir, *Retsah Arlosoroff: Homer le-Mishpat ha-Tsibur* (Tel-Aviv, Ahdut, 1934), 9. According to journalist Ben-Zion Katz, “Ben-Meir” is actually a pseudonym for a pamphlet published by the Histadrut. See Katz, *Ha-Emet*

Zealots that existed in the final days of the Second Temple period and whose members stabbed Romans and the Jews who affiliated with them.⁴⁵³ The analogy was quite clear: Achimeir used the scroll to encourage his followers in *Brit ha-Biryonim* to physically assault their political rivals in the Labor movement. Claims that the scroll did not reflect his personal political belief were rejected by the court. They were also rejected by Labor activists who continued to view him as a person deeply involved in the Arlosoroff murder in spite of his earlier acquittal of direct involvement. Achimeir lived in the shadow of the Arlosoroff murder until his death in 1962.

As we will see in the following pages, Achimeir's case was not the only one which highlighted the difficulty experienced by the Mandate court in uprooting preexisting opinions about Arlosoroff's death. More specifically, the final judgments in the cases of Stavsky and Rosenblatt strengthened the preexisting opinions of Labor and Revisionist activists about the murder. The legal truth in the case did not bring the Arlosoroff affair to an end. In fact, it exacerbated the political rivalry between the parties.

A Legal Solution – A Political Entanglement

The murder trial of Stavsky and Rosenblatt ended on May 30, 1934, when all four judges of the Court of Assize ruled that Rosenblatt should not be convicted due to a lack of sufficient evidence. Stavsky, however, was convicted and sentenced to death by three of the judges.⁴⁵⁴ The court consisted of two British, one Arab, and one Jewish judge, Moshe Valero, the only judge who voted

Kodemet la-Shalom (Tel-Aviv, Haaretz, 1934), 19 and compare to an earlier booklet by Ben-Zion Katz, *Lo Ukhal le-hahashot 'od: 'Al Devar Retsah Arlosoroff* (Tel-Aviv, Haaretz, 1933).

⁴⁵³ The Roman destroyed the Second Jewish Temple of Jerusalem in 70CE. The term "Sicarii"—in Latin *Sica*—means dagger. About the ancient Jewish Sicarii see Menachem Stern, "*Hitabedutam shel Elazar Ben Yair ve-Anashav Bi-Metsadah veba-Filosofiyah ha-Revi'it*," *Tsiyon* 47: 4 (1982), especially 387-397.

⁴⁵⁴ 3/34 Criminal Assize Case: The Attorney General v. A. Stavsky, Z. Rosenblatt, A. Achimeir. Further details about the trial are available in *The Arlosoroff Murder Trial: Speeches and Relevant Documents* (Jerusalem 1934).

to acquit.⁴⁵⁵ Valero determined that the murder was not politically motivated and that the testimony of Simah Arlosoroff—the only eye witness to the murder who identified Stavsky and Rosenblatt as the murderers—was unreliable. Valero criticized the identification process as the sole proof for conviction, believing Mrs. Arlosoroff to be wrong, “though in good faith, in her evidence of the identification of the accused.”⁴⁵⁶

Like any murder trial that ended in a conviction in Mandate Palestine, Stavsky’s case was brought before the Court of Criminal Appeal. On July 20, 1934, the court decided to overturn the lower court’s decision and to acquit, based on technical arguments. Significantly, the appeals court did not found its decision on the innocence of the accused. While the judges of the appeals court criticized the Court of Assize for a judgment that was not reasoned enough, Chief Justice Sir Michael F. MacDonald added the following comment:

I can see no reason whatsoever for criticizing the conclusion of the Court of Assize in accepting Mrs. Arlosoroff’s evidence, and if this case were being heard in England or in most British dependencies, that would be the end of the appeal, and the conviction would have to stand, but the legislature of Palestine has seen fit by Section 5 of the Law of Evidence Amendment Ordinance 1924 to provide that no judgment shall be given in a criminal case on the evidence of a single witness unless such evidence is admitted by the

⁴⁵⁵ About the ethnic make-up of mandatory courts in Palestine and their contribution to the formation of local Arab and Jewish identities, see Assaf Likhovski, *Law and Identity in Mandate Palestine* (Chapel Hill 2005).

⁴⁵⁶ Stavsky, for example, was the only suspect whom the Mandate police presented to Simah when he was wearing a suit; a costume that matched Simah’s preliminary testimony, according to which the murderer indeed wore a suit. It is also unclear how Simah was able to notice during the murder that the assassin wore a dark suit with red stripes, as the beach was totally dark. Also, when Stavsky was lined up with other suspects of the murder, one police officer (Robert Stafford) most likely advised Simah. When the two stopped before the tenth suspect, who happened to be Stavsky, Stafford seemingly signaled Simah that this person was the main suspect. With this in mind, Judge Valero dismissed Simah’s testimony. He concluded that the “alibi of the accused is sufficiently established,” and “that the prosecution has failed to prove any relevant connection between Stavsky and Rosenblatt” (*The Arlosoroff Murder Trial: Speeches and Relevant Documents*, 126).

accused person, or is corroborated by some other material evidence, which, in the opinion of the Court is sufficient to establish the truth of it.⁴⁵⁷

The court, therefore, wrapped up the case in a way that acknowledged the limitations of the legal system to do justice in the affair. In other words, it acquitted Stavsky while at the same time assumed that he was guilty of the murder. For Revisionist activists this verdict was good enough to prove that their political camp had had nothing to do with the murder and that Mapai and the Labor movement in general had slandered them for no reason. Equally, Mapai leaders looked at the verdict as an affirmation of their interpretation of the events.

On July 20, 1934, the day that Stavsky was acquitted, *Davar* declared in a headline: “Stavsky has been released—his guilt recognized.”⁴⁵⁸ To make the point clearer, Mapai circulated a pamphlet which vowed to continue the struggle to uncover the truth: “we will fight with greater determination against the Revisionist movement and its allies who make ‘heroes’ and ‘martyrs’ of people who bear a mark of Cain on their forehead. We will fight against ‘the sacred fallacy’ (*Ha-Kazav ha-Kadosh*) and against the terrorist act of the Sicarii and the Strongmen.”⁴⁵⁹

* * *

We have seen that the thinking that guided the Labor and the Revisionist camps since the beginning of the Arlosoroff affair emanated from a political struggle that had begun prior to the murder and that continued well after it.⁴⁶⁰ The murder was a new climax in an intracommunal conflict that

⁴⁵⁷ The verdict by Chief Justice MacDonald was reprinted in a number of sources, including *The Palestine Post* of July 21, 1934, 8.

⁴⁵⁸ *Davar*, July 20, 1934, 1.

⁴⁵⁹ A copy of the pamphlet is available in Sarid, *Chosen to Govern*, 376.

⁴⁶⁰ The Revisionists pulled out of the Haganah as early as 1931. Following this step they established Haganah Bet from which the Irgun was born in 1937. In 1934 the Revisionists also left the General Federation of Laborers (Histadrut) and founded a competing federation called the National Federation of Laborers. A year later the political rift continued to deepen with the resignation of the Revisionists from the World Zionist Congress and the founding of

intensified the factionalism within the Zionist movement, as well as its fragile relations with the mandatory authorities. The legal proceedings against Stavsky, Rosenblatt, and *Brit ha-Biryonim* did not bring the affair to an end since the rival parties looked at the police investigation and the British Mandate's legal system not as a means of discovering the truth, but to serve the double goal of: 1) confirming the "truth" they already knew, and 2) casting doubt on the political truth of their opponents. The final verdict in the Stavsky case issued by the appeals court only sharpened the gap between the indecisive legal truth of the case, and the preexisting political truths the two parties held. The inability to conclude the case of the Arlosoroff murder by legal means in the 1930s would have a ripple effect that would reverberate for years, well after the establishment of the State of Israel.

"The Court does not Deal with History"

Similarly to the Mandate court, the Israeli court found it difficult to deal with the Arlosoroff case. Unlike the Mandate court, the matter was placed before the Israeli court in the form of libel cases that were brought by Tsvi Rosenblatt. The first of these trials was adjudicated in the district court of Tel Aviv-Jaffa towards the end of 1964.⁴⁶¹ The case was triggered by the publication of an article by Shaul Avigur—one of the members of the Committee of Four—in the journal *Molad*.⁴⁶²

the New Zionist Federation. The rivalry between the parties reached unprecedented heights during the 1940s, especially during the days of the "Hunting Season" (December 1944 and February 1945). One of the symbols of this mutual animosity, which was temporarily put on hold due to the activity of the Jewish Resistance Movement of 1945-1946, was the attack on the arms ship *Altalenah*. This attack, which also claimed the life of Avraham Stavsky, brought the young Israeli society to the verge of civil war.

⁴⁶¹ Tel-Aviv Jaffa District Court, Civil Case (CC) 4631/64, Zvi Stavsky v. Shaul Avigur, the Israeli Labor Party, and the editor, publisher and printer of the journal *Molad*. A copy of the verdict is available in ISA C-7120/1.

⁴⁶² Shaul Avigur, "Im Yehuda Arazi," *Molad* 22: 193-194 (October 1964): 394-414.

In the years that had followed the 1934 murder trial, Avigur continued to be close to the Labor camp and became one of the founding fathers of the Israeli Intelligence Community. This made *Molad* an appropriate platform to publish his piece since *Molad* was a political and literary monthly journal owned by the ruling Mapai party. The contributors to the journal were normally professional scholars from the field of Jewish studies and leaders who were somehow affiliated or publically identified with Labor.

The piece by Avigur was a memoiristic column about his acquaintance with a colorful character by the name of Yehuda Arazi (Tenenbaum) who had died some five years earlier. During the 1940s, Avigur and Arazi worked closely together in the Haganah intelligence service. Avigur was Arazi's commander in a number of undercover actions to smuggle weapons and Jewish immigrants into Palestine.⁴⁶³ Their acquaintance had started some two decades earlier, when Arazi joined the Mandate police force on behalf of the Haganah. When Arlosoroff was murdered Arazi was an officer in the criminal investigation division and knew the case well.

In the firsts two days of the police investigation Arazi was of the opinion that Arlosoroff's murderers were Stavsky and Rosenblatt. Later, however, he started to question this version, more inclined to accept the view that the culprits had been Arabs. From this point on, Arazi's time in the Mandate police service grew shorter. He left the force in 1936, after his relations with his supervisors deteriorated, but continued his involvement within the Haganah.⁴⁶⁴

⁴⁶³ About Yehuda Arazi, see Tuviah Arazi, *Be-Ruah Se'arah: Perakim mi-Hayav u-Mif'alo shel Yehuda Arazi* (Tel-Aviv 1986). A short and lucid bio of Arazi is also available in Michal Shaked, *Moshe Landau: Judge* (Tel-Aviv 2012), 88. For a vivid literary description of Arazi's activity as a weapons smuggler see Ram Oren, *The Target Tel-Aviv* (Tel-Aviv 2004), 75ff.

⁴⁶⁴ There are those who said that the unwillingness of Arazi's British commanders to accept his opinion regarding the murder was additional evidence proving their attempts to implicate the Revisionists for the murder. For more see Joseph Broadhurst, *From Vine Street to Jerusalem* (London 1936), 235-236 and Tidhar, *Be-Shirut ha-Moledet (1912-1960)*, 407-408.

As a person deeply immersed in highly secretive activity, Arazi's actions "behind the scenes" eluded public attention. It was in May 1955 that his name first became known publicly in connection with the Arlosoroff affair following a closed lecture he gave at the *Bnei Brith* offices in Tel-Aviv. Arazi was apparently unaware of the fact that a journalist from the right-wing *Haboker* newspaper, Gershon Hel (Hendel), succeeded in sneaking into the audience. Hel wrote down Arazi's speech and quickly made it public.⁴⁶⁵ From a Revisionist point of view, this was a first class scoop. Twenty-two years after the murder, a retired senior official of the Haganah had confessed in public about the doubts he had been harboring regarding Stavsky's and Rosenblatt's guilt. Menachem Begin and his peers in the Herut movement pounced on this. They deemed Arazi's speech as nothing less than an admission of the "truth," which had broken a decade-long conspiracy of silence. The day following the publication in *Haboker* the *Herut* journal announced that "the Mapai regime was established using a blood libel, but the truth has prevailed and Mapai must fall."⁴⁶⁶

This was the background to the piece Shaul Avigur published in *Molad* and the libel suit that came in its wake. In his article, Avigur recalled his complex relationship with Arazi, which over the years had had its ups and downs. One tense period between them revolved around Arazi's connection to the Arlosoroff murder investigation. He wrote:

My colleagues and I were convinced—and I am convinced to this day—that Yehuda Arazi made serious errors of judgment. . . In the re-creation of the details of the murder there were and still remain several dark, hard and deadlocked corners. Nevertheless, my version

⁴⁶⁵ *Haboker*, June 14, 1955, and compare to *Herut*, June 15, 1955, June 17, June 20 and June 22. Also see the letter Gershon Hel (Hendel) sent to the Bekhor Commission on December 25, 1983 (ISA C-7125/10). Since Hendel published Arazi's speech without permission, the Tel-Aviv Journalists' Association put him on members-trial for unethical behavior. For further details about that see the testimony Hel gave to the Bekhor Commission at ISA 7120/12, 710-726.

⁴⁶⁶ *Herut*, June 15, 1955, 1.

is—in my own eyes—the most substantiated and the most logical based on the facts
When I think about the turning point that made Yehuda changed his mind regarding the investigation there is no doubt in my mind that he acted out of his desire, not to say sub-consciousness desire . . . that from a Jewish patriotic point of view it is forbidden that a Jew would be found guilty [of the murder], *forbidden no matter what*.⁴⁶⁷

On the one hand, Avigur did not specifically name Arlosoroff's killers. On the other hand, the article made it clear that he believed the killers to be Stavsky and Rosenblatt.⁴⁶⁸ Stavsky had died in 1948, and Abba Achimeir in 1962. Thus, the only accused person who was still alive at the time of the publication was Rosenblatt, who sued Avigur for libel. The statement of claim said that “the direct meaning of the column [by Avigur] is that notwithstanding the acquittal of the plaintiff—and his colleagues—from the charge of murder by the court, the truth is that he and his friend Stavsky did in fact commit cold blooded and premeditated murder of Arlosoroff or that they took part in the murder.”⁴⁶⁹ Rosenblatt demanded a substantial compensation of 150 thousand Israeli lira. Avigur attempted to prevent the case from going to court by way of a letter of apology sent to Rosenblatt. This was unsuccessful and the case was heard in April 1966.⁴⁷⁰

As opposed to other historical cases, the court was reluctant to look into such a politically charged case that was embedded in the pre-state years.⁴⁷¹ However, it is unclear whether the person behind the libel case against Avigur was in fact Rosenblatt himself. There is no question that the

⁴⁶⁷ Avigur, “Together with Yehuda Arazi,” 397. Emphasis in the original.

⁴⁶⁸ Boaz, *Unseen yet Always Present*, 63.

⁴⁶⁹ Tel-Aviv Jaffa District Court, CC 4631/64.

⁴⁷⁰ Shaul Avigur to Zvi Rosenblatt, January 13, 1965 (ISA, C-7120/1). Rosenblatt's reply of January 17, 1965, is available in Joseph Nedava, ed., *Zvi Rosenblatt's Struggle for the Truth* (Tel-Aviv 1986), 116-117.

⁴⁷¹ About the versatile ways in which the Israeli Supreme Court engaged in historical affairs—first and foremost in the 1948 War—see the piece by Daphne Barak-Erez, “Collective Memory and Judicial Legitimacy: the Historical Narrative of the Israeli Supreme Court,” *Canadian Journal of Law and Society* 16 (2001): 93-112.

person who formally sued Avigur and his publishers was Rosenblatt. However, Rosenblatt was a timid person traumatized by the 1934 trial. For decades thereafter, he had made his living as a clerk in the Tel Aviv municipality and had distanced himself from anything related to the Arlosoroff murder by using the name Tsvi Ben-Ya'akov. Much more extroverted was the lawyer representing him in the libel case. Shmuel Tamir (Katznelson) had already proven his ability to force courts to deal with complex historical cases predating the establishment of the state. This includes the murder trial of Yedidiyah Segal and the case of *Lohame Malkhut Yisrael*.⁴⁷² The best known such case was the 1954 Greenwald trial, better known as the Kasztner trial.⁴⁷³ In these trials, which generated tremendous public interest, Tamir was able to push the court to function as historian-judge. Put another way, Tamir manipulated the court to make historical judgments regarding historical questions, such as what did Zionist leaders know about the “final solution” as it was taking place, and what did they do, or did not do, to rescue Jews, before these questions were seriously investigated by historians. Hence, it seems that the plaintiff in the Avigur libel trial was not Tsvi Rosenblatt but Shmuel Tamir. The trial was another instance of Tamir harnessing the court for the purpose of denouncing Mapai as a movement that made political gains from a historical wrong. It should be noted that Tamir was a former member of the paramilitary group Irgun and a member of the Herut movement. The Arlosoroff case, which had obsessed him since

⁴⁷² For details about these cases see Shmuel Tamir, *Son of This Land* (Tel-Aviv 2002).

⁴⁷³ At the heart of this celebrated trial stood the question what the Labor Zionist leadership did or did not do to save Jews during the Holocaust. For legal and historical analyses of the Kasztner trial see Leora Bilsky, “Judging Evil in the Trial of Kasztner,” *Law and History Review* 19 (spring 2001): 117-160; Pnina Lahav, *Judgment in Jerusalem: Chief Justice Simon Agranat and the Zionist Century* (Berkeley, Los Angeles, London 1997), 123-125, 133-138, 142-144; Michal Shaked, “*Ha-Historiyah be-Vet ha-Mishpat u-Vet ha-Mishpat ba-Historiyah: Piske ha-Din be-Mishpat Kasztner voha-Nerativim shel ha-Zikaron*,” *Alpayim* 20 (2000): 36-80; Tamir, *Son of This Land*, 289-748 and Maoz, “Historical Adjudication.” Detailed accounts about Kasztner’s activity during the Holocaust and the unfolding of the Kasztner affair are available in Tom Segev, *The Seventh Million: The Israelis and the Holocaust* (New York 1993), part V; Ben Hecht, *Perfidy* (New York 1961); Yehiam Weits, *The Man Who Was Murdered Twice* (Jerusalem 1995) and Yehuda Bauer, *Jews for Sale? Jewish Negotiations, 1933-1945* (New Haven 1994), 145-171.

childhood, in fact inspired him to become a lawyer.⁴⁷⁴ Unlike in previous cases, though, when Tamir was able to push the court to deal with historical issues relating to the Labor movement, in this case he was unsuccessful.

The deliberation in the courtroom of Judge Joseph Lamm, who had been a Mapai member of the first Knesset, was brief and decisive. In the judgment delivered by the judge after one session held on April 14, 1966, Lamm decided in favor of the plaintiff Rosenblatt. The judge added that the article by Avigur did allude to Rosenblatt's guilt, but qualified this by saying that the court had no interest or capability to deal with the Arlosoroff case. According to Judge Lamm it was too early to examine the murder:

The case at hand is related to the most painful chapter in the events that preceded the establishment of the State of Israel, and divided its people for a generation. The court does not deal with history, but I will not be honest with myself if I will not say that not only should the court be prevented from doing so but also people who deem themselves as having a sufficient opinion to make factual determination about Jewish history. Decades should pass before the issue that shook the Jewish world in 1933 and the years that followed, should be looked into again . . . We should all deposit this issue back to the history that will be written decades from now.⁴⁷⁵

These words corresponded with Agranat's judgment in the Kasztner case. That is, historical study required a perspective of time, which enabled the historian to engage in a historical matter without subjective sentiment.⁴⁷⁶ Lamm concluded that he was obliged to accept the Mandate court's

⁴⁷⁴ Tamir, *Son of This Land*, 11-12.

⁴⁷⁵ Tel-Aviv Jaffa District Court, CC 4631/64.

⁴⁷⁶ SCJ 232/55, 2055-2058, 2083.

judgment as is without delving further into the case. He determined that the defendant should pay Rosenblatt damages of 2,000 lira plus legal fees. In addition, the judge added that the ruling must be published in one of the upcoming *Molad* journals, which it was.⁴⁷⁷

This closed the case. Its script, however, repeated itself several years later. In 1971, Tamir submitted another libel case, this time in the name of Rosenblatt and two of those convicted in the Strongmen Trial, Haim Dviri and Ya'akov Orenstein. The first and main defendant was Edwin Samuel—the son of the first British High Commissioner to Palestine, Herbert Samuel, and a person who had held several positions in the Mandate government. The case dealt with an excerpt that appeared in Edwin Samuel's memoirs, which were published in 1970. In his book, Samuel claimed that in the early 1930s members of *Brit ha-Biryonim* conspired to murder him, along with Professor Judah Magnes of the Hebrew University of Jerusalem and Haim Arlosoroff.

As in the case of Avigur's article, this excerpt that appeared both in the book and in the *Palestine Post* did not specifically name Arlosoroff's killers. Nevertheless, it did mention the fact that Simah Arlosoroff had identified Stavsky and Rosenblatt as her husband's killers, that the two had been released due to the absence of corroborative evidence, and that no evidence of any Arab plot had ever been revealed.⁴⁷⁸ Thus, the *Palestine Post* was added to the list of defendants which included its editor, Todd Loria, and the Keter publishing house. According to Tamir and the three plaintiffs, the publication proved that Samuel attributed the murder to Stavsky and Rosenblatt and

⁴⁷⁷ The verdict was published in *Molad* 23:208-210 (1966): 710-712.

⁴⁷⁸ Edwin Samuel, *A Lifetime in Jerusalem: The Memoirs of the Second Viscount Samuel* (London 1970), 137-140 and compare to the *Palestine Post* (Weekend Section), June 26, 1970, 15, 24 (*The Palestine Post* was renamed *The Jerusalem Post* in 1950). One should add here, that Edwin Samuel actually wrote about the would-be intention of *Brit ha-Biryonim* to assassinate him, Magnes, and Arlosoroff in a previous book he had published in 1957. See Edwin Samuel, *A Cottage in Galilee* (London 1957), 71.

that *Brit ha-Biryonim* had been involved in plotting the murder. The statement of claim was made by way of two complaints: one criminal and one civil.⁴⁷⁹

As opposed to the first libel case that ended in a day, this time the judicial proceedings were significantly more complex and lengthy. First, there were attempts to reach an agreed version of Samuel's excerpt. These efforts yielded no results.⁴⁸⁰ This led to an extensive legal debate, which included witness testimony and discussions as to the nature of *Brit ha-Biryonim* and the relationship between it and the Revisionist movement. Once these were completed, the court determined that the defendants must answer the charges brought against them. From here on, the road was paved to another "historic trial" from the Tamir assembly line. It was at this point, however, that the parties reached a compromise, most likely a defense initiative. The compromise had the defendants pay the plaintiffs compensation of 10,000 lira and issue a letter of apology, which was published in the *Jerusalem Post*. According to the apology, any suspicion regarding the involvement of the plaintiffs in the murder of Arlosoroff was "wholly unfounded," and in order to obviate any doubts on the matter, Samuel, the Keter Publishing House, and the *Palestine Post* expressed their "profound apologies to Messers. Rosenblatt and Haim Dviri and to the families of the late Abraham Stavsky, Abba Achimeir and Jacob Orenstein."⁴⁸¹

And so another legal twist in the murder trial came to an end. This highlights another characteristic of the entire Arlosoroff affair: efforts to keep the murder in the public eye were

⁴⁷⁹ See respectively: 1) The Jerusalem Magistrate's Court, 551/71 Zvi Rosenblatt, Ya'akov Orenstein and Haim Dviri v. Edwin Samuel, Keter Publishing House Ltd., The Palestine Post Ltd, and Todd R. Loria, and 2) The Jerusalem District Court, 374/71, Zvi Rosenblatt, Ya'akov Orenstein and Haim Dviri v. Edwin Samuel, Keter Publishing House Ltd., The Palestine Post Ltd, and Todd R. Loria. One should note that Orenstein who started his political way as a member of the League of Thugs eventually became an ardent Mapai member. After he had died, in early 1972, his wife Nomi took his place as one of the plaintiffs in the said trials. An additional person who died during the trials was Todd Loria.

⁴⁸⁰ See the letter attorney Tamir sent to attorney Arnold Spar on January 16, 1971 (ISA c-7120/1).

⁴⁸¹ *The Jerusalem Post*, December 22, 1974.

exerted mainly by those who believed in the “blood libel” theory first propounded by Jabotinsky, and who rejected outright the Labor movement’s version of events. Senior members of Labor, on the other hand, preferred not to discuss the case in public and, in some cases, even tried to prevent publications about it—an effort that in itself had an impact on the historiographical picture.

“Charming and Extremely Dangerous”

The book *Sivan Storm* by Margot Klausner was published in 1956.⁴⁸² Its publication did not attract any extraordinary attention and, retrospectively, it looks like no more than a drop in the sea of studies about Arlosoroff’s life and death. The book has three parts. The first part documents personal conversations the author held with Arlosoroff’s mother, Laska, in 1945. The second part describes the last four weeks in the life of the deceased, and the third part includes a summary of facts and documents relating to the murder. In general, the book pinned the murder on the Arabs Abdul Madjeid and Issa Darwish, claiming they assassinated Arlosoroff by mistake while trying to sexually attack his wife Simah. According to another argument Klausner makes in the book, the Mandate authorities sought to clear the Arabs of guilt by obstructing the police investigation. While this is reminiscent of the Revisionist version, Klausner was far from adopting it in full. Besides rejecting the argument about a “blood libel” by the Labor movement, she wrote

⁴⁸² Klausner, *Sivan Storm*. Sivan is the ninth month in the Jewish calendar and the time in the year in which Arlosoroff was murdered. The title *Sufat Sivan*—literally means Turmoil in Sivan—refers to Arlosoroff’s murder and to a poem he wrote under the same title in memory of the Jewish intellectual Micha Josef Berdyczewski. Ironically, one could also read the poem as if Arlosoroff foresaw his death under tragic circumstances. A copy of the poem is available in Arlosoroff, *Kitve Hayim Arlozorov*, Vol. VII, 68-69.

extensively about what she saw as the Revisionist propensity to incite terrorism prior to the murder. Klausner paid special attention to the “Sicarii Scroll” by Achimeir.⁴⁸³

The reason for pausing on Klausner’s book is to focus on the background that preceded its publication. In the beginning of the book, Klausner discusses the collecting of sources, a process that began in 1944. The book was completed five years later and, according to Klausner, what pushed her to publish it in the late 1940s was the death of Stavsky in June 1948.⁴⁸⁴

On July 10, 1949, Klausner sent two senior Mapai figures a personal letter: the Minister of Education and Culture, Zalman Shazar, who would go on to become Israel’s third president, and Foreign Minister Moshe Sharett, whom Klausner had known since the early 1930s. In the letter, she told them of her intention to publish *Sivan Storm*, which was almost ready for print. She also mentioned that the book ended with the death of Stavsky on the deck of the *Altalenah*, and that the epilogue was based “only on authentic material.” This included the confession of Abdul Madjeid and evidence about “the so-called murderers.” To clarify her intentions, Klausner added the following:⁴⁸⁵

I am not going to make [in the book] any conclusions of my own, but my point of view will—to put it mildly—shed a very severe doubt upon the creed, that Stavsky was Arlosoroff’s murderer.... I think that [the Israeli] Government is strong enough just now to fight Fascism and Fascist[s] although they might not have murdered Arlosoroff. It was

⁴⁸³ While Klausner presents a firm opinion regarding the identity of the Arab murders, she was fair enough to mention that Stavsky’s alibi was not necessarily convincing and that the 1934 murder trial did not prove anything but the “terroristic attitude” of the Revisionists. See Klausner, *Sivan Storm*, 162,170, 172.

⁴⁸⁴ Ibid, 175. What Klausner did not care to mention to her readers was the hardships she endured until the actual publication eight years later. Details about this can be found in her personal archive, which is kept in the Central Zionist archives in Jerusalem, and in material that Yosef Nedava submitted to the Bekhor Commission in the early 1980s.

⁴⁸⁵ Margot Klausner-Brandstatter to Zalman Shazar and Moshe Sharet, July 10, 1949, CZA A493-99. Klausner authored the letter in English, which she did not fully command. To ease the reading of the letter, I corrected some typos and grammar mistakes included in the original.

anyhow their potential intention. But intention and deeds are separate. If on the other hand one should clean the Jewish people as such from the most villain spot on its honor—to have murdered their best man intentionally—I must confess that this is a rather great temptation—I cannot give it up. Some of my friends suggested I write it down, those fifty pages [about Stavsky’s innocence] and bury them somewhere *ad calendars graces*. I shall not be able to do this.

The letter included several points that deserve our attention. First, Klausner compared sectors of the Revisionist movement to European fascism. She asserted that there was an intention to murder Arlosoroff on the part of right-wing Zionists. Yet, her research led her to a completely different conclusion. The murderers had not come from the Right and Avraham Stavsky was definitely not among them. Now, after the establishment of Israel, it was time to reveal the truth in the name of national pride. And the truth, according to Klausner, was that the murder was not committed by a Jew or Jews on political grounds but by Arabs.

Klausner vowed to publish her book even though she was advised against this by several friends and acquaintances who were not enthusiastic to do so, claiming that the book was “very charming and extremely dangerous.”⁴⁸⁶ With no help forthcoming from neither of them, Klausner’s letter to Shazar and Sharett included a suggestion and a request. First, she offered to send a copy of the manuscript to each of them so that they could form their own impression of the research. Then she went to the heart of the matter—a request to have the book published by the ‘Am Oved publication house, a press owned by the Histadrut and directed by none other than Shazar. Klausner stressed that she would not agree in advance to delete any part of the book that

⁴⁸⁶ See Zvi Loria to Margot Klausner, CZA A493-99 (without a date) and compare to letter Heinrich B. Zador sent to Klausner on May 5, 195. In this letter, Zador argued that the time to publish a book about Arlosoroff has not yet come.

may not be agreeable to reviewers. She noted that there were people abroad who had voiced their interest in the book's publication. It was her desire, though, to publish it first in Israel. The letter ended with an apologetic reservation with Klausner writing that she understood if the two did not wish to have anything to do with the book. She further remarked that she planned to dedicate it to Arlosoroff's mother. This intent belied the tension that existed between Klausner and Laska Arlosoroff, about which Klausner elaborated neither in *Sivan Storm* nor in her letter to Shazar and Sharett but in an unpublished draft she wrote for the 1964 edition of her book.⁴⁸⁷

In the same year, the Arlosoroff case received renewed public interest for two reasons: 1) the libel case against Shaul Avigur and the *Molad* Journal, and 2) the dubious news that an unknown Jew who lived in the Soviet Union had confessed, uncoerced, to having killed Arlosoroff. With this renewed interest in the murder, Klausner planned to publish a second edition of *Sivan Storm* that would include a chapter detailing the problems she endured leading to the book's publication. In a draft of the chapter that is kept in her personal archive, Klausner gave details of the fickle relationship she had had with the Arlosoroff family. This began in the days preceding the murder at a time when Klausner was on friendly terms both with Simah Arlosoroff, with Arlosoroff's sisters, and with his mother Laska. All of them, without exception, helped Klausner to collect oral and written material for the book. This abruptly changed when Klausner shared with Simah Arlosoroff her conclusion that the killers were the Arabs, Abdul-Madjeid and Issa Darwish.

The rift between the two erupted following a conversation Klausner held towards the end of 1948 or the beginning of 1949 with the police minister, Bekhor Shalom Sheetrit, who in 1933

⁴⁸⁷ Titled "16 Years Later," a hand-written draft of the chapter is available in CZA A493-31. One should read it vis-à-vis a letter Simah Arlosoroff sent to Menachem Begin on March 27, 1969. In this letter, Simah tells Begin about her early acquaintance with Margot Klausner. The letter is available in Nedava, ed., *Zvi Rosenblatt's Struggle for the Truth*, 118-119.

had been one of the lead investigators of the Arlosoroff murder.⁴⁸⁸ According to Klausner's testimony, Sheerit confided to her that during the 1930s it was clear to him that Stavsky was innocent and that his interrogation was accompanied by a serious miscarriage of justice (which Sheerit did not take part in). Distressed by this sensitive information,⁴⁸⁹ Klausner shared it with Simah and her family, who from that time on turned their backs on her. Here it should be said that the Bekhor Commission's attempt to corroborate Sheerit's alleged accusation was unproductive, and that the evidence collected about this matter was conflicting and inconclusive.⁴⁹⁰ Nevertheless, from the time that the relationship between Klausner and Simah Arlosoroff soured, the path to the printing machines for *Sivan Storm* was fraught with difficulties. In Klausner's opinion, the book was boycotted even before it was printed.

Excerpts of the book were published in the *Yediot Ahronoth* newspaper as early as 1955.⁴⁹¹ At the time—according to Klausner's own testimony—she was subjected to threats not to publish it. In an interview she gave to *Yediot Ahronoth* that year, she attributed the duress that was exerted on her to parties whose names she did not mention.⁴⁹² From the draft of the second edition of the book it appears that it was actually three parties politically associated with the Labor movement. Klausner added that, as a result, she was forced to complete the book in Holland (it was from there that she mailed the letter to Sharett and Shazar) and not in Israel. Furthermore, upon her return to Israel she learnt that the publisher that was supposed to publish the book (Nahum Tverski) had

⁴⁸⁸ Margot Klausner to Bekhor Shalom Sheerit, August 1, 1965, CZA A493-31. This letter confirms that the two indeed met in the late 1940s to discuss the Arlosoroff affair. One should note that Sheerit was close to Mapai even before he officially joined the party in mid-1948 (During his days in the Provisional State Council, the Provisional Government of Israel and the first Knesset, Sheerit represented the Sephardim and Oriental Communities). Between 1951 and 1967 Sheerit represented Mapai in the Knesset and the government.

⁴⁸⁹ For further details about this information see Klausner, *Sivan Storm*, 182; Ben Yerocham, *The Great Libel*, 289; Abba Achimeir, *The Trial* (Tel-Aviv 1968), pages 21 and 54 of the introduction by Yosef Nedava, and the historical memorandum Nedava submitted to the Bekhor Commission, ISA 7120/5, 60-62.

⁴⁹⁰ See ISA C-7120/22 and compare to C-7120/6, 13-14.

⁴⁹¹ See *Yediot Ahronoth* of July 7, 1955; July 22, July 29 and August 5.

⁴⁹² Eliyahu Amikam, "Shetei Miflagot Bikshu le-Hashtikeni," *Yediot Ahronoth*, July 1, 1955.

rescinded his agreement. Clearly, publishing *Sivan Storm* with 'Am Oved was not an option. It took six years for Klausner to find an alternate publisher. The edition that was eventually published was not identical to the original manuscript as several parts were cut out by the translator, the editors, and the publisher. According to another testimony before the Bekhor Commission, on which we will elaborate later, the publisher tried to conceal the book's very existence.⁴⁹³ Given this history, it should come as no surprise that *Sivan Storm* received stinging criticism within the Mapai circles.

In a review that appeared in *Davar* shortly after the book's publication, *Sivan Storm* was ridiculed and described as a biographical novel "written by an author with good imagination." The review, published in 1956, ended with a rhetorical question about the authenticity of the material contained in the book: "From where is all this? What is the source? What is the reference? And from where comes the moral right to take such a large human and Jewish tragedy and to create from it something that is so frivolous?"⁴⁹⁴ Another review which appeared several months earlier confirmed the many obstacles Klausner faced on her way to publishing the book. The author of the piece, who defined Klausner as "holding left leaning convictions," commended her on her determination to publish the book, notwithstanding the difficulties. He then sternly criticized her for what her book did not include: an authentic depiction of the murder case.⁴⁹⁵ The piece ended with a sarcastic tone that "welcomed" the author who was brave enough to face up to the left-wing circles and defend the Revisionist position. This was a common notion among Labor and left-wing activists, who were convinced that the Revisionist camp was responsible for the murder, and that any other opinion was inappropriate.

⁴⁹³ ISA C-7120/5, 61.

⁴⁹⁴ D. L., "Hazon u-Metsiut," *Davar*, February 2, 1956, 12.

⁴⁹⁵ A. Shamai, "Davar ve-Hipukho," *Davar*, March 21, 1956, 2.

It should be noted that the Labor camp's sensitivity to the Arlosoroff affair was directed not only to those who opposed their official version but also against those who were certain beyond doubt that the Revisionists were responsible for the murder. A prominent example of this is the story of the anonymous A. Margo'a, who, between 1973 and the mid-1980s, published several articles about the affair.⁴⁹⁶ "A. Margoa" was a pseudonym of Dr. Moshe Gilboa who, in October 1983, testified before the Bekhor Commission as to the reliability and precision of Simah Arlosoroff's testimony. Gilboa was convinced that Stavsky and Rosenblatt were Arlosoroff's murderers.⁴⁹⁷ He had reached this conclusion in the early 1960s after studying the case intensely for many years. In 1983, three days after he had testified before the Bekhor Commission, Gilboa sent a letter to the Commission. He wrote that in the beginning of 1974 he started working for the Labor government at the Ministry of Education and Culture, being responsible for the Israel Prize and the approval of school books. A few years later he also assumed the position of the permanent stand-in for the Minister of Education and Culture as chairman of the prestigious Wolf Award.⁴⁹⁸ In this capacity, Gilboa requested and received all the required approvals according to the State Service regulations concerning the publication of journalistic and academic articles. Nevertheless, he thought that it was best not to use his given name when writing about issues that were as contentious as the Arlosoroff affair. This was his way of separating his official responsibilities and his private activity, especially when he was aware of the sensitivity of the topic since the 1960s.⁴⁹⁹

⁴⁹⁶ A Cluster of some articles by A. Margoa about the Arlosoroff affair is available in ISA C-71254/43 and The Yad Tabenkin Archives—The Research and Documentation Center of the Kibbutz Movement (hereafter: YTA) 15-2-8. I wish to thank the sons of the late Moshe Gilboa—Dr. Meir Gilboa and Attorney Erel Gilboa—for referring me to their father's personal archives at the YTA.

⁴⁹⁷ The testimony of Moshe Gilboa (October 13, 1983) is available in ISA 7120/10.

⁴⁹⁸ Awarded by the State of Israel on a yearly basis, the Israel Prize is the State's highest honor for individuals who have made an outstanding contribution for Israeli society and culture. Details about the prize are available in: <http://cms.education.gov.il/EducationCMS/UNITS/PrasIsrael>. The distinguished Wolf Foundation awards prizes to outstanding scientists, artists and students "for achievements in the interest of mankind and friendly relations among peoples." For further details about the foundation see: <http://www.wolffund.org.il/>

⁴⁹⁹ Moshe Gilboa to the Bekhor Commission, October 16, 1983, YTA 15-2-8.

In his testimony before the Bekhor Commission, Gilboa spoke of the many difficulties he faced in these years when he proposed writing about the Arlosoroff affair for his PhD dissertation. The scholar who agreed to be his academic advisor in 1963 at the Hebrew University of Jerusalem was none other than the renowned historian Yaacov Katz, who was willing to work with Gilboa on the condition that he would expand the scope of his research to include years that preceded the murder.⁵⁰⁰ Interestingly, Gilboa never wrote his dissertation on the Arlosoroff murder. He eventually received his doctorate from Tel-Aviv University on a research topic that was somewhat different: the role of man in Plato's ethics.⁵⁰¹ The explanation that Gilboa gave to the Bekhor Commission of this drastic shift in research topics corresponds to Margot Klausner's experience. Gilboa maintained that his change of topics was due to the difficulties in obtaining relevant material about the Arlosoroff affair and the sensitivity of the topic in the eyes of former Mapai leaders.

Gilboa contended that while collecting research material for his dissertation he met with Simah Arlosoroff several times. He found her to be "angry with the entire world and with all her former colleagues in Mapai" who neither permitted her to publish her memoirs about the affair nor submit a libel case against whoever doubted the reliability of her account. This oral testimony supports similar claims raised by Simah a few years earlier.⁵⁰² According to Gilboa, among those

⁵⁰⁰ ISA 7120/10, 212 and compare to the letter Gilboa sent to the Bekhor Commission on October 16, 1983 (YTA 15-2-8). About Yaacov Katz, who was a rabbi and a sociologist by training, see his autobiography, *With My Own Eyes* (Jerusalem 2007). About Katz's contribution to the field of Zionist historiography see Anita Shapira, "Ha-Historiografiyah shel ha-Tsiyonot u-Medinat Yisrael be-Shishim Shenot Medinah," *Zion* 79 (2009): 290-291.

⁵⁰¹ Moshe Gilboa, *Mekomo shel ha-Adam ba-Etikah shel Aplaton* (Tel-Aviv 1977). After his graduation from Tel-Aviv University, Gilboa wrote about topics related to Israeli history such as Palestinian scouting and the "Lavon Affair."

⁵⁰² ISA C-7120/10, 195 (testimony of October 13, 1983). Simah said similar things in an interview she gave to journalist Raphael Bashan in 1973 ("Yeme Arlosoroff ha-Ahronim," *Yediot Ahronoth*, September 26, 1973). One person who confirmed that he had put pressure on Simah not to publish her book about the affair was former member of Knesset, Berl Reptur (Labor). In the testimony Reptur gave to the Bekhor Commission in 1983 he explained that he put pressure on Simah so she will not pour "oil on the flames" (ISA C-7120/12, 641).

who put pressure on Simah were David Ben-Gurion and Shaul Avigur, who argued that any reference on her part to the murder would stir up counter vilification. When Gilboa met with the latter sometime towards the end of the 1960s, Avigur explained to him that, out of profound conviction of Stavsky's and Rosenblatt's guilt, Mapai members who dealt with the case—and implicitly that included him—“were willing to recognize unsubstantiated evidence” that incriminated the two Revisionists.⁵⁰³ During the conversation, Avigur was even willing to locate relevant material for Gilboa that he kept “somewhere in some boxes.” When they parted, however, Avigur “came to his senses and said that [former minister] Dov Joseph had more complete material” as did Bekhor Sheetrit. Gilboa met with both of them but they refused to help him. Sheetrit concluded that “all had already been said and investigated” about the murder. Dov Joseph, with whom Gilboa met in 1969, insisted that handing over the material he had in his possession could destabilize the national unity government and that, in any case, no research contradicted Simah's testimony about the guilt of the Revisionists.⁵⁰⁴ He added that the relevant material he kept at his estate was to be transferred, upon his death, to an academic institution. “When I heard this,” Gilboa wrote to the Bekhor Commission, “I postponed the continuation of my research (on the Arlosoroff affair) and changed to a different PhD.”⁵⁰⁵ It should be noted that Dov Joseph refused to cooperate with other scholars who were interested in the Arlosoroff affair, such as Yosef Nedava and Tamar Maroz.⁵⁰⁶ Personal notes that Yosef took during the murder trial eventually

⁵⁰³ Moshe Gilboa to the Bekhor Commission, April 22, 1983, ISA C-7125/43, 5.

⁵⁰⁴ The thirteenth government of Israel became a national unity government, i.e. a government that combines members of the right and left political wings, on the eve of the Six Day War (June 5, 1967). This political partnership lasted until August 1970, when right-wing representatives chose to leave the fifteenth government.

⁵⁰⁵ ISA C-7125/43, 6 and compare to ISA 7120/10, 216-217.

⁵⁰⁶ About Dov Joseph's refusal to cooperate with Nedava see the letter by Dov Joseph to Yosef Nedava, November 18, 1966, ISA C-7125/27 (Appendix 26 to the memorandum by Nedava). About Joseph's refusal to cooperate with Tamar Maroz see the testimony she gave to the Bekhor Commission in October 1983, ISA C-7120/11. Also relevant is her piece, “*Ha-Tsel ha-Aher*,” *Haaretz* (Musaf Shevu'i), July 20, 1970, 8 and the report attorney Max Seligman sent to the Bekhor Commission on August 24, 1983 (ISA C-7121/12).

reached the Bekhor Commission, which did not find in them any ground breaking facts about the case.⁵⁰⁷

Another example of the Labor movement's aversion to discussing the Arlosoroff murder are found in the multi-volume history *From Resistance to War (Sefer ha-Haganah)*. This study focuses on the history of the *Yishuv* and especially on issues related to the Haganah and security affairs. Today it is widely considered a quasi-official history of the *Yishuv* although it was written from Labor's perspective.⁵⁰⁸ It is therefore not surprising to learn that when the first volumes were published by the Ministry of Defense, Menachem Begin, as Herut leader of the Opposition, was outraged by what he saw as an attempt by the Mapai government to write the official history of the state of Israel. In a Knesset discussion that took place in 1963, Begin argued that the book belittles and distorts various chapters in Revisionist history, including that of Ze'ev Jabotinsky, the Irgun, and *'Olei ha-Gardom (the Gallows Martyrs)*.⁵⁰⁹ In other words, Begin viewed *From Resistance to War* as an undemocratic attempt by Mapai to smear past and present political adversaries by appropriating national history to the Labor camp. "Who will determine history?" he bellowed from the Knesset podium, "[t]he Government? The Coalition? Mapai? . . . The Ministry of Defense? Commissioned historians?"⁵¹⁰ With these words he expressed his dissatisfaction not against the writing of history but against the notion that a government claiming

⁵⁰⁷ ISA C-8007/10.

⁵⁰⁸ Ben-Zion Dinur, Shaul Avigur, Yitzhak Ben-Zvi, Elazar Galili, Yisrael Galili, Yehudah Slutzki, eds., *From Resistance to War (Sefer Toldot ha-Haganah)*, (Tel-Aviv 1954-1973). Regarding the validity of *Sefer ha-Haganah* as a reliable historical source see Mordechai Bar-On, *The Beginning of the Israeli Historiography of the 1948 War* (Israel 2001), and Cohen, 1929, 35-36. A slightly more critical approach toward the book *From Resistance to War* is taken by Shapira, *Ha-Historiografiyah shel ha-Tsiyonot*, 292-293.

⁵⁰⁹ The term "Gallows Martyrs" denotes a group of twelve Irgun and Lehi activists who were executed by the British Mandate authorities in 1930s and 1940s. About their mythical place in the historical heritage of the Revisionist camp, and the Revisionist struggle to make them part of the national historical heritage of Israel see, Amir Goldstein, *Heroism and Exclusion: The "Gallows Martyrs" and Israeli Collective Memory* (Tel-Aviv and Jerusalem 2011).

⁵¹⁰ Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Volume 38, December 25, 1963, 596-600.

to be democratic was meddling in the writing of official state history.⁵¹¹ How ironic that the very same accusations were brought against him and his government some twenty years later when they established the Bekhor Commission to investigate the Arlosoroff murder.

It should be noted that the Arlosoroff affair is featured only briefly in *From Resistance to War*. While the book spans seven volumes and thousands of pages, the Arlosoroff affair gets a mere page and a half.⁵¹² The authors declared that they could not go into all the details of the legal investigation, besides which the case had not yet been concluded. To this they added that they had to make due with “providing the facts as they are known.” This meant that Stavsky was convicted, that he and Achimeir became “martyrs” of the “fascist cult,” and that the acquittal of Stavsky in the Court of Criminal Appeal did not remove the suspicion that continued to hang over him. This laconic description obviously goes hand in hand with the Mapai position.

The struggle for the historical truth in the Arlosoroff affair found its expression not only in what was written about the case but also in what was not written about it. We have seen that those who believed in the innocence of the Revisionists tried to raise public awareness of the issue by way of libel trials and historical writings. People close to Mapai and the Haganah, on the other hand, preferred to conceal and minimize dealing with the case by placing obstacles in the way of

⁵¹¹ As historian Zeev Tsahor noted, between 1948 and the mid-1960s, the research of the *Yishuv* period in Israel was basically polemic by nature. Each political party, ideological camp, and post-paramilitary organization such as the Haganah and the Irgun established a research institution that was to perpetuate and glorify its respective contribution for the attainment of political independence. By so doing and by answering the question who established the country through their own political lens, the rival parties tried to legitimize and present themselves as worthy of leading the country. See Zeev Tsahor, “*Historiyah ben Politika la-Akademyah*,” in *Ben Hazon le-Revizyah: Me'ah Shenot Historigrafyah Tsiyonit*, ed., Yechiam Weitz (Jerusalem 1997), 209-219; Zeev Tsahor, “*Toldot Medinat Yiśraël: Akademiya ve-Politika*,” *Qatedrah* 100,(2001), 378-394. Scholars of the history of Zionist historiography seem to agree with Tsahor that between 1948 and the mid-1960s the mix between ideology and history was taken for granted in Israel by both political activists and academic historians. That said, Tsahor’s opinion that this preliminary phase in Zionist historiography does not reach the standards of professional historiography is questionable. For further details about this point see, Yoav Gelber, *History, Memory and Propaganda* (Tel-Aviv 2008), 397-401 and Shapira, *Ha-Historigrafyah shel ha-Tsiyonut u-Medinat Yiśraël*.

⁵¹² Dinur et.al., *From Resistance to War*, Vol. II, Part I, 497-498.

researchers such as Klausner and Gilboa.⁵¹³ In the next part of the chapter we will see that the conflicting trends of publicizing the case by the supporters of the Revisionist position on the one hand, and diminishing it on the part of the Labor movement on the other hand, was reflected in the efforts to establish an investigation commission from 1934 on.

Mr. Speaker: The Topic is Justice

The burst of emotions experienced by the *Yishuv* upon the release of Stavsky in July 1934 led to violence. Whereas his peers in the Revisionist camp celebrated the event in public, supporters of Labor reacted with rage. On the day following the release, the latter interrupted a festive prayer with Stavsky in attendance at the central synagogue of Tel-Aviv. But there were also conciliatory voices in the *Yishuv* that called upon the opposing sides to set the affair behind them.

One such call appeared in the *Haaretz* daily newspaper following the violent prayer meeting in Tel-Aviv. The paper demanded “in no uncertain terms that all sides, classes and parties [in the *Yishuv* and abroad] disarm themselves completely,” and show national restraint.⁵¹⁴ According to *Haaretz*, the murder trial was over and with it the animosity between the parties that threatened the entire Zionist enterprise should be put to rest. Other voices pleading for a resolution of the crisis were more qualified. They argued that a condition to internal peace within the Zionist world was the establishment of a commission of inquiry that would continue to investigate the affair. These requests came from the Revisionist movement and its allies, but not from the Labor

⁵¹³ One should add here that although leaders of Mapai refrained from publically engaging in the murder of Arlosoroff, the party did commemorate Arlosoroff's life and work in a myriad of ways.

⁵¹⁴ “*Mi-Yom le-Yom*,” *Haaretz*, July 22, 1934 and compare to “*Gam 'Haaretz' Doresh Shevitat Neshek*,” *Doar ha-Yom*, July 23, 1934, 1. Both pieces fused a call for reconciliation between the right and left political wings with criticism against the Labor camp.

movement. They stressed that such a commission must be non-partisan, disconnected from any political apparatus, let alone the World Zionist Congress.

The Revisionist Zionist Alliance (RZA) made such an appeal in June 1934, even before Stavsky was sentenced to death. Signed by Joseph Schechtman, who later became the biographer of Jabotinsky, the call was in fact an inner call, circulated among Revisionist activists. It demanded “cleaning the Zionist movement from all the elements that were guilty of the blood libel” by setting up a commission of inquiry that was disconnected from the Zionist movement.⁵¹⁵ Behind this reservation stood the events of the 18th World Zionist Congress, which was held in Prague just a few months earlier. The Congress ended with a victory of the Labor movement in the general elections, which accelerated the split within the Zionist movement between Labor and the Revisionists.⁵¹⁶

In a resolution taken by the General Council (*ha-Va'ad ha-Po'el*) of the Zionist Congress on 4 September, 1933, it was decided that an inquiry commission be established to investigate the murder of Arlosoroff. This commission was to be manned by six senior Zionist activists, including the director of the Jewish National Fund, Menachem Usishkin.⁵¹⁷ The explanation for the resolution made it clear that the decision to set up the commission was embedded in the political tensions that plagued the Congress and the entire Zionist movement. According to the resolution

⁵¹⁵ Sarid, *Chosen to Govern*, 371.

⁵¹⁶ The 18th World Zionist Congress was held between August 21 and September 4, 1933. The elections ended with a triumph of the Labor camp, which won 44 percent of the votes. This result marked a substantial increase in its electoral power since in the previous elections of 1931 it had won only 29 percent of the ballot. The question whether the Revisionists increased their political power in the Congress is open for interpretation. On the one hand, their relative power in the Congress decreased from 21 percent in 1931 to 14 percent in 1933. On the other hand, the absolute number of Revisionist voters increased dramatically from 55,848 in 1931 to 95,279 in 1933. The topic is relevant here since it touches the question whether the Arlosoroff murder enabled Labor to achieve a political hegemony as Revisionist activists insisted. One thing that is certain about the 18th Congress is that it increased the tension between the Labor and the RZA.

⁵¹⁷ The other five members who were appointed to the commission were Dr. Leo Motzkin, Selig Brodetsky, Rabbi Meir Berlin (Bar-Ilan), Dr. Nahum Goldmann, and Dr. Victor Jacobson. Further details about the initiative to establish this committee are available in ISA C-7121/23.

“there is a Zionist group in Eretz Israel [the Land of Israel] that recognizes violence as a political means.” This statement, which pointed the finger at *Brit ha-Biryanim*, was qualified by saying that “the connection between the [said] group and the Revisionist Zionist organizations” has yet to be proven. Likewise, it cannot yet be determined whether the “Revisionist Zionist organizations had done all it takes to remove them from the party.”⁵¹⁸ The Revisionist call in June 1934 to create a commission of inquiry portrayed the Congress as an additional arm of Labor which sought to propagate a “blood libel,” by putting the blame for the murder on the Revisionist activists no matter what. The Revisionist statement accused Congress leaders of hiring false witnesses and creating and circulating libelous claims against the Revisionists. These accusations failed to have much impact on Labor activists, however, and did not lead to the establishment of a commission of inquiry.

It was not long before an additional call for launching an inquiry commission was raised, once again, by someone who believed in the innocence of Stavsky and Rosenblatt. This time the initiative was taken by journalist Ben-Zion Katz, who had covered the 1934 murder trial and was himself convicted towards the end of that year for defaming one of the prosecution witnesses who gave testimony against Stavsky.⁵¹⁹ Katz ardently claimed that he was not acting on behalf of the Revisionist movement but as a private person without any political bias.

In a booklet published in September 1934 entitled “Truth Precedes Peace” (*Ha-Emet Kodemet la-Shalom*), Katz called for the establishment of an “Israeli, judicial and informal committee” consisting of three to five judges. This idea was included in a part of the booklet called

⁵¹⁸ Quoted in Ben Yerocham, *The Great Libel*, 123.

⁵¹⁹ In an article Katz published in *Ha-Zeman* of February 23, 1934, he accused Eliyahu Tessler, who testified against Avraham Stavsky, with perjury. By the end of a prolonged defamation case, which ended in late 1934, Katz was required to compensate Tessler for harming his reputation. About the trial, which the Palestinian press covered widely, see for example “Defamation Case against Ben-Zion Katz,” *The Palestine Post*, July 23, 1934, 5 and “*Mishpat Katz Tessler*,” *Davar*, August 2, 1934, 3.

“I accuse,” a reference to the celebrated public letter written by Emil Zola during the Dreyfus affair.⁵²⁰ “I know to what extent we need peace,” Katz wrote referring to the Zionist world as a whole, “but I also know this . . . that truth precedes peace. If the truth is not determined there will be no sustainable peace . . . without a public commission [to investigate the murder] true peace will not arrive.” Katz, who was highly critical of the anti-Revisionist sentiment that existed in the Congress, insisted that a commission of inquiry must be neutral. Accordingly, he dismissed the decision of the General Council of the 18th Congress to set up a commission of inquiry.

Another individual who called for the creation of a commission of inquiry in 1934 was the eminent historian Joseph Klausner, who was identified with the Revisionist movement.⁵²¹ In an article Klausner published in November of that year in *Haaretz*, he stressed that notwithstanding their acquittal, “the guilt remains as a mark of Cain on the foreheads of the Revisionists.” It is clear that “no peace will exist in our camp [read: the Zionist movement] as long as the belief in the guilt of Stavsky, Rosenblatt and Achimeir is not uprooted. This uprooting could be done only by way of a public and neutral commission of inquiry.”⁵²² Klausner believed that a commission would give the Revisionists full rehabilitation similar to that which was given to Captain Alfred Dreyfus seven years after his release from Devil’s Island. Optimistic as this view may have been, it did not lead to any actual results. Similarly to Katz’s call to set up an inquiry, Klausner’s request faced fierce opposition by Mapai.

⁵²⁰ Katz, *Ha-emet Kodemet la-Shalom*, 21-22. An annotated English translation of *J'accuse* by Emil Zola (January 13, 1898) is available in Paul Mendes-Flohr and Jehuda Reinharz, eds., *The Jew in the Modern World: A Documentary History*, Second Edition (Oxford and New York 1995), 351-356.

⁵²¹ A lively description of Joseph Klausner and the professional price he had paid for his public identification with the Revisionist movement is available in the autobiography by his nephew, the novelist Amos Oz, *A Tale of Love and Darkness* (London 2004), chapters 8-11. For further details about Klausner’s contribution to the field of Jewish studies see David N. Myers, *Re-inventing the Jewish Past: European Jewish Intellectuals and the Zionist Return to History* (New York and Oxford 1995).

⁵²² Joseph Klausner, “*Ha-Tenai ha-Rishon le-Shalom Penimi*,” *Haaretz*, November 8, 1934, 2. Emphasis in the original.

One op-ed that appeared in the Mapai-identified *Davar* posited that, based on the evidence against the Revisionist defendants and the verdict of the appellate court, any further investigation of the murder would be superfluous “and could put at risk the peace of the Zionist public.”⁵²³ The authors of the article added that “if there are now voices that are demanding the renewal of the investigation and if those voices are coming from the Revisionist camp or their allies,” then Mapai did not see any reason to oppose this call.⁵²⁴ That said, the body to carry out this inquiry should be the same commission that was elected for this purpose by the Zionist General Council. Furthermore, this commission must be charged, according to Mapai, with an in-depth examination of the political agitation that preceded the murder. This meant that the commission should focus on the publications that appeared in *The People’s Front* and other writings of *Brit ha-Biryanim*. This view was naturally rejected by Katz, who rightly argued that the article in *Davar* was self-contradictory, meaning that the willingness of Mapai for a renewed investigation was nothing but hypocritical.⁵²⁵

Charged as these mutual accusations might have been, they were irrelevant. After all, the decision did not yield any real results since the commission fell apart even before it started working. One of the reasons for this was that two out of its six members quit at an early stage—Leo Motzkin, who passed away in November 1933, and Menachem Usishkin, who chose to resign from the commission under circumstances that are not fully clear.⁵²⁶ Katz, on the other hand, continued to publish additional calls in favor of a non-partisan commission of inquiry. He was adamant that if such an investigation was not carried out soon, then the guilt of the Revisionist

⁵²³ “*Adrabah Te’aseh Hakirah*,” *Davar*, November 15, 1934, 1.

⁵²⁴ Leaders of Mapai discussed the topic on two separate occasions. For further details about that see Ben-Gurion, *Zikhronot*, Vol. II, especially 100-102 and 110-112. Also see Sarid, *Chosen to Govern*, 366, fn. 9.

⁵²⁵ Ben-Zion Katz, “*Mikhtav Galui le-Ma’arekhet ‘Davar*,”” *Doar ha-Yom*, November 25, 1934, 5.

⁵²⁶ Katz, *Ha-Emet Kodemet la-Shalom*, 29 and compare to Ben Yerocham, *The Great Libel*, 121-128 and Achimeir, *The Trial*, 16 (of the introduction by Nedava).

would be assumed by future generations and historians, making it difficult to get to the truth of the case.⁵²⁷

With that, the issue of establishing a commission of inquiry dissolved and disappeared for a period of about twenty years. The next time the issue resurfaced was in the mid-1950s following Yehuda Arazi's lecture in the *Bnei Brith* headquarters. Following the closed lecture that was leaked to the press in May 1955, Stavsky's parents appealed to President Yitzhak Ben-Zvi for the establishment of a commission of inquiry to look into the murder.⁵²⁸ The person who pushed this case much further, however, was the leader of the Herut movement, Menachem Begin. The first time that Begin raised the matter in the Knesset was on 29 June, 1955. In his speech, Begin presented it as a principle issue for the cause of justice. First he mentioned Arazi's words and the opposition of Mapai to the idea of setting up a commission of inquiry. Later, Begin addressed the Mapai leadership directly and wondered out loud "why would you not allow [Stavsky] to be exonerated once and for all, for the sake of your children whom you have brought up on a terrible blood libel?"⁵²⁹ These words, which did not lead to the formation of a commission, were repeated by Begin in another Knesset session, one year later. This time it was not by way of an innocent question but in the context of a bill for the establishment of a commission of inquiry "for the examination of the circumstances and the allegations to do with the murder of Dr. Haim Arlosoroff."⁵³⁰ In justifying the bill, Begin again restated Arazi's words, asserting that the Labor movement had educated an entire generation on the blood libel, and recalled the pamphlet that was published by Mapai on the day of Stavsky's acquittal. Begin stressed that the heart of the matter

⁵²⁷ See for example Ben-Zion Katz, "Ahare Hamesh Shanin," *Hadashot*, June 17, 1938. I relied on the quote from Ahimeir, *The Trial*, 58 (of the introduction by Nedava).

⁵²⁸ Stavsky's parents addressed President Ben-Zvi in an interview they gave to the newspaper *Ha-Boker* on May 17, 1955.

⁵²⁹ Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Vol. 18, June 29, 1955, 2150.

⁵³⁰ Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Vol. 20, June 6, 1956, 1955-1957.

was doing justice and therefore it made no difference that the bill was tabled twenty-two years after the murder. “Justice,” he added “is an absolute category. It operates outside, beyond and above time.” It was also a Jewish value according to which Jews behaved throughout history.

The government’s response to Begin’s bill was delivered by the Minister of Justice, Pinhas Rosen (Progressives), who rejected it outright. According to Rosen, renewing the investigation offered no public benefit and only exacerbated tensions between right and left. To this he added that the central reason why he and the government believed that the bill should not be discussed was the judgment in Stavsky’s case: “Mr. Stavsky was acquitted from the grave accusation of murdering Arlosoroff and there is nothing after this acquittal. Since the acquittal no person has had the legal or moral justification to declare Stavsky as Arlosoroff’s killer, and it matters not whether the accused was acquitted for lack of sufficient evidence or on other grounds.” It is tempting to read these lines as full acceptance of the judgment of the appellate court. However, it became clear that Rosen and the government sought to bypass the crux of the matter, which was the suspicion that stuck with Stavsky and the Revisionists after the acquittal.

Rosen claimed that the existence of the Mapai pamphlet was unknown to him. And besides, if Stavsky felt hurt by the accusations that were raised towards him after his acquittal then he could have sued the authors and publishers of the pamphlet. This claim, one should add, is open to legal interpretation, or, as was pointed out by Tsvi Rosenblatt in a letter he sent to Rosen, he and Stavsky could not sue Mapai for defamation due to the absence of a relevant tort law.⁵³¹ In any event, Rosen signed off his speech in the Knesset by saying that Begin’s proposed bill was an attempt to “bypass fundamental legal principles by way of a temporary order.” Therefore, Rosen recommended that

⁵³¹ A copy of the letter Rosenblatt sent to Minister Rosen in June 1956 is available in Nedava, ed., *Zvi Rosenblatt’s Struggle for the Truth*, 112-114.

the proposed bill should be removed from the agenda of the plenum, which is what indeed happened.

The topic resurfaced in the Knesset seventeen years later. This time the issue was raised on the fortieth anniversary of the murder, which kindled a renewed public interest in the affair.⁵³² In a preliminary discussion that took place in the Knesset on 10 July 1973, MK Binyamin Halevi demanded a commission of inquiry in line with Begin's argument.⁵³³ The appeals by Halevi and his Likud colleagues came up against an uncompromising wall of opposition of the Labor Alignment (*the Ma'arakh*) led by Golda Meir.⁵³⁴ On 25 July, in a discussion that included Begin and Prime Minister Meir, the Knesset once again deliberated the issue. Begin repeated his long-standing belief that the issue was about doing justice. This time he argued that Mapai brought up two generations of members on the 1934 pamphlet, and that the State of Israel must exonerate Stavsky in a way similar to the rehabilitation given to Dreyfus in France. "We knew the truth from the first day," he said referring to the veterans of the Revisionist movement, and called for an end to the affair by way of a commission of inquiry. As usual his requests fell on deaf ears. The coalition rejected the proposal outright.

Member of Knesset and former minister Haim Joseph Tsadok (*Ma'arakh*) explained that a commission of inquiry was "a means for looking into a contemporary issue," for the purpose of developing public policy. "An event that happened forty years ago," he added, is "a case for

⁵³² See for example Shulamit Aloni, "Kol Ehad ve'ha-Emet Shelo," *Yediot Ahronoth*, June 15, 1973; Tamar Maroz, "Mi Ratsah et Arlosoroff?," *Haaretz*, June 8, 1973; Tamar Maroz, "Ha-Tsel ha-Aher," *Haaretz*, July 20, 1973, and Raphael Bashan, "Yeme Arlosoroff ha-Ahronim," *Yediot Ahronoth*, September 26, 1973.

⁵³³ During the days of the seventh Knesset (11.17.1969-1.21.1974) Halevi represented the Herut-Liberals bulk. He was also the former judge who in 1955 convicted Kasztner for "selling his soul to the devil"—a decision that the Israeli Supreme Court overturned after Kasztner was murdered.

⁵³⁴ Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Vol. 68, July 10, 1973, 3817-3820. The *Ma'arakh*, which was established in January 1969, was a political alignment between Mapai and Mapam. Put differently, it was one more incarnation of Mapai and the Israeli Labor movement.

historical research. If the issue is so important to Member of Knesset Begin and his colleagues— then they should embark on a historical research, present the research to the public and the public will read it and make up its mind.”⁵³⁵ Prime Minister Meir who was evidently unenthusiastic to address the issue delivered a similar message. She stressed that according to a legal opinion recently presented to her that “after forty years it is no longer possible to objectively research the affair,” and to try to do so would only rekindle old political conflicts and tensions. According to Meir, Begin and his colleges were raising the issue only for the purpose of gaining political capital in the upcoming elections. The issue itself was a historical one as determined by Judge Lamm in the judgment he had given in 1964.⁵³⁶ Meir concluded her speech by saying that the Mandate court had acquitted the defendants and therefore there is no need to renew the investigation. At the same time she refused to declare innocent the Revisionists who were acquitted since she well remembered the political incitement that preceded the events of June 1933. In sum, Meir voiced her party’s position that it had held for over forty years.

Begin’s hope of setting up a commission of inquiry seemed, at the time, more distant than ever. But in politics, the art of the possible, one should never say never. Four years later the Likud won the general elections for the ninth Knesset. Its victory terminated the political hegemony Mapai had enjoyed for decades, and the gate to fulfilling the dream of setting up a commission of inquiry was opened. To that end, Begin needed only the right opportunity to resurrect the issue.

The direct catalyst for the establishment of the Bekhor Commission in March 1982 was provided a few years later by one of the central pillars of the Labor movement, Shimon Peres. It happened by way of an idle conversation then Prime Minister Begin held with Peres who was

⁵³⁵ Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Vol. 68, July 25, 1973, 4317.

⁵³⁶ See note 475 above.

known as a book lover. Begin was curious which books Peres was reading. In response, Peres warmly recommended the recently published book by Shabtai Teveth about the Arlosoroff murder. The Prime Minister promptly obtained a copy of the book.⁵³⁷ And so the snowball, which stopped only three years later upon the conclusion of the Bekhor Commission's work, started to roll. We will shortly begin to expand on the content of the book, the way in which Begin read it, and the discussion that the Israeli government conducted about it. But first, we will open a parenthesis and make two comments. The first is an anecdote that concerns Peres' attitude toward the Bekhor Commission. He was, after all, the Prime Minister when the Commission held most of its sessions. The second comment opens up a much broader topic, which is the particular role the Commission was expected to play in the context of forging the national historical memory. As we will see, the two issues are in fact closely related to one another.

Between History and Politics

We begin with Shimon Peres and his relation to the Bekhor Commission—a topic that in some sense puts the cart before the horse. The Commission submitted its final report to the government on 4 June, 1985. The prime minister at the time was none other than Peres himself. Begin had resigned from the premiership three years earlier and retreated to his home until his death in 1992. There are those who say that in addition to the multitude of medical conditions that characterized the last decade of his life, Begin suffered from clinical depression. During the entire period he avoided public appearances and made only a handful of public statements (to the best of my

⁵³⁷ The meeting between Prime Minister Begin and Shimon Peres has been described by Boaz Apelbaum in his book *A School for Prime Ministers: 10 Israeli Prime Ministers—The Personal Story* (Tel-Aviv 2001), 49. I mention here this book only because its author attended the said meeting in person. That said, Apelbaum's account about other issues related to the Bekhor Commission are full with empirical mistakes. This includes a false description of the human makeup of the Commission. About an additional mistake the book includes see note 567 below.

knowledge no more than two). The first was published on the day of the publication of the Bekhor report, which brought great joy to Begin.⁵³⁸ The second announcement was published in 1987 in reaction to a lecture Ariel Sharon gave about the 1982 military engagement in Lebanon (“The First Lebanon War”).⁵³⁹ The point is that the Arlosoroff affair was so important for Begin that it caused him to break his silence. On the other hand, Prime Minister Peres objected to the investigation of the murder from the outset. Raised in the Labor movement, Peres did not want to be associated with the investigation. When the members of the Bekhor Commission submitted their report to him, he curtly thanked them and barely bothered to review it.⁵⁴⁰ It was clear to him that this state commission of inquiry was the initiative of the Revisionist outlook, which was contrary to his political views. This leads us to the second comment, which is by far more fundamental.

At the heart of the matter stand two questions that are in fact one. First, what was the background of Begin’s burning desire to establish an inquiry to look into the murder of Arlosoroff? and 2) What caused the Labor movement and its leadership to object to this so vehemently? Some claimed the Labor movement was hiding something. Earlier we presented circumstantial and inconclusive evidence according to which certain elements in the Labor movement, including the Committee of Four, took part in incriminating the Revisionists. This, however, tells only part of the story.

The struggle over the design of the Israeli metanarrative—which included fundamental questions such as which camp contributed more to the establishment of the state, who were the *Yishuv’s* heroes, and who acted with a lack of political and military wisdom in the days that

⁵³⁸ A copy of the original announcement Begin made about the Bekhor Commission is available in JIA P-20-406. The announcement was circulated in the Knesset by Begin’s right hand man, Dan Meridor. Also, it was published in the daily press. See, for example, *Haaretz*, June 5, 1985, 1.

⁵³⁹ Sharon gave his talk about the Israeli military engagement in Lebanon at Tel-Aviv University on August 12, 1987. About the talk and Begin’s reply to it see Uzi Benziman, *Nothing but the Truth* (Jerusalem 2002), 30.

⁵⁴⁰ “Peres: *Da’ati Nishara Neged Hakirat ha-Parashah*,” *Haaretz*, June 5, 1985, 1.

preceded the attainment of political sovereignty—was considered as an index that granted legitimacy for governance.⁵⁴¹ The issue at hand was which political legacy would become the national legacy of the state of Israel: that of the Labor movement or that of the Revisionists? It goes without saying that the issue of the Arlosoroff affair was a central chapter in the history of both. This is not meant to belittle the personal concern that Jabotinsky and Begin had for Stavsky and Rosenblatt. But the two accused were never the heart of the issue. Publicly, the significance of their exoneration was the strengthening of the reputation of the entire Revisionist camp, and by implication, the smearing of the Labor movement. In this sense, the Arlosoroff affair is one of a number of cases that were a critical part of the political, legal, and historiographical conflict over the story of the Zionist past.

Amir Goldstein's research concerning the formation of the memory of the "Gallows Martyrs" is a clear example of this.⁵⁴² In his research, Goldstein shows on a diachronic basis how Begin and his political allies turned a small group of Irgun and Lehi fallen fighters from heroes of the right-wing camp to national symbols. This process began with the establishment of Israel and reached its peak when Likud ascended to power in 1977. Goldstein's study demonstrates that during the first statehood years, the Gallows Martyrs were people the Labor movement (and, as a result, the state institutions) were not willing to commemorate, let alone turn into national heroes. All this changed when Likud rose to power.

Chronologically, the history of the struggle over the place of the Revisionist legacy can be divided into three consecutive phases.⁵⁴³ The first lasted between 1948 and 1963, that is, during

⁵⁴¹ See note 511 above.

⁵⁴² Goldstein, *Heroism and Exclusion*.

⁵⁴³ For further details about this tripartite division see Udi Lebel, *The Road to the Pantheon: Etzel, Lehi and the Borders of Israeli National Memory* (Jerusalem 2007). It is worthwhile reading this study in conjunction with the critique by Yechiam Weitz, "Ha-Mahtarot she-Yatsu meha-Mahteret rak be-1963," *Haaretz*, October 10, 2007.

the years of Ben-Gurion's premiership (with the exception of his temporary absence between 1954-1955). These years were characterized by a de-legitimization of Irgun and Lehi veterans, who did not receive national commemoration and were presented as an obstacle to independence.⁵⁴⁴ An example of this is the history of the Acre prison where some of the Gallows Martyrs were executed by the British authorities. For Begin and members of the "Fighting Family," as veterans of both undergrounds liked to call themselves, the prison was a highly important heritage site. The Mapai establishment, however, turned it into a home for the mentally ill. Therefore, the commemoration of the Gallows Martyrs was done during those years in closed quarters, such as party activities. The course of action of the Zionist Right in the field of national commemoration was in other words overshadowed by the political hegemony of Mapai. In this respect, the attempts to prevent an inquiry commission to look into the Arlosoroff affair were another aspect of the exclusion of the Revisionist legacy at the national level.⁵⁴⁵ A new phase in how the Israeli establishment treated the history of the Revisionist movement began with the rise of Levi Eshkol to power (Mapai). The period between 1963 and the political change of 1977 was an interim period during which a preliminary and partial inclusion of the Revisionist heritage into the official national memory became possible. As part of this trend, Jabotinsky's remains were brought to Israel from New York in 1964 (twenty four years after his death). But even then, the prime minister avoided participating in the memorial service, a step that was a clear political

⁵⁴⁴ One means Mapai in general and Ben-Gurion in particular used to enforce the exclusion of the Revisionist heritage from Israeli public sphere was the statist ideology of *Mamlakhtiyut* (Statism). About the origins and nature of Israeli statism, see Nir Kedar, *Mamlakhtiyut: David Ben-Gurion's Civic Thought* (Be'er-Sehva and Jerusalem 2009) and Baruch Kimmerling, *The Invention and Decline of Israeliness: State, Society and the Military* (Berkeley, Los Angeles, London 2001).

⁵⁴⁵ The Arlosoroff murder was not the only historical issue that some within the Herut movement demanded in the 1950s to have investigated by way of a commission of inquiry. There were at least two other times when they called for a joint inquiry by parliamentary commissions of inquiry and historians. These were the events of the 1948 War and the sinking of the *Altalenah*. These calls did not receive much attention. For more see Goldstein, *Heroism and Exclusion*, 181-182 and compare to Lebel, *The Road to the Pantheon*, 149-150, 153-154 and 167-169.

statement. The third phase reached its peak during the period of Begin's term as prime minister (1977-1982). With this change in power, the Revisionist legacy was brought into the Israeli pantheon through the front door. The Gallows Martyrs were recognized as fallen war combatants and received official recognition. The prison in Acre was converted, once again, this time to a national heritage site, and the graduates of the "Fighting Family" were honored for having made a key contribution to the establishment of the state.⁵⁴⁶ With this trend in action the government also acted to exonerate Stavsky and Rosenblatt, that is, to close an affair that clouded the Revisionist historical heritage for decades. A byproduct of the process was the blurring of the lines between the political, the legal, and the historiographical spheres. This was clearly expressed in the public and scholarly debates that preceded the establishment of the Bekhor Commission in 1982. These debates stand at the heart of the following section.

Stepping off the Stage—Removing a Blood Libel

The publication of Shabtai Teveth's book about the Arlosoroff affair at the beginning of 1982 could not have been a better gift for Begin. From his perspective, it was a renewal of the blood libel and justified setting up a commission of inquiry. Teveth was widely known as a journalist, a playwright, and a historian. One the founding fathers of the Israeli biographic genre, he had previously authored a comprehensive biography about Ben-Gurion and a shorter one about Moshe Dayan.⁵⁴⁷ In addition to being a veteran journalist for the *Haaretz* newspaper, he had also authored

⁵⁴⁶ It seems that Begin's death in 1992—the year in which the Labor returned to lead the country—and especially 1995, in which Prime Minister Yitzhak Rabin (Labor) was assassinated by a radical Jewish rightist, inaugurated a new phase in the battle over Israeli past. This point deserves a separate discussion, which exceeds the scope of this chapter. More about the topic see in Vered Vinitzky-Seroussi, *Yitzhak Rabin's Assassination and the Dilemmas of Memory* (Albany 2009).

⁵⁴⁷ Shabtai Teveth, *Kin'at David: Haye David Ben Gurion, Four Volumes* (Jerusalem and Tel-Aviv 1976-2005) and Shabtai Teveth, Moshe Dayan (London and Jerusalem Weidenfeld and Nicolson, 1972).

several best-sellers concerning important affairs in the history of the country, such as the Six Day War.⁵⁴⁸ Teveth's book about the Arlosoroff murder was borne out of his work on the biography of Ben-Gurion, *David's Zeal (Kin'at David)*. While writing the biography, Teveth became aware of the breadth of the affair and its importance in the eyes of "the old man," as Ben-Gurion had been known from a relatively young age. This encouraged him to author a separate study about the murder case, which was filled with thousands of facts concerning the investigation and the murder trial.

The book begins with the murder and the immigration to Palestine of Avraham Stavsky a few months earlier. It ends with the release of Stavsky in 1934 and the interruption to the festive prayer held together with him at the central synagogue of Tel-Aviv on the day following his acquittal. A brief reference to later years is made only in the concluding chapter where Teveth notes that over the last fifty years—that is, the fifty years between Stavsky's release and the publication of the book—the affair had stagnated. That was Teveth's way of saying that the legal process had exhausted all the evidence concerning the accused. He wrote that "in the fifty years that have passed nothing in Arlosoroff's past was discovered to indicate a different possible motive for his murder other than a political one."⁵⁴⁹ According to Teveth, that was also the opinion of Ben-Gurion and Shaul Avigur, who, until their respective deaths, were of the unwavering opinion that Stavsky was guilty. Last but not least, Teveth added that, as opposed to the past, Israeli (and American) courts were now willing to convict a murderer based on the testimony of a single eye-witness, without any corroborating evidence.

⁵⁴⁸ I mean here Shabtai Teveth, *The Tanks of Tamus* (New York 1969). About the tremendous impact this book has left on Israeli young men in the late 1960s and 1970s see, for example, the book by Zvika Greengold, *Zvika Force* (Ben-Shemen 2008), 44.

⁵⁴⁹ Teveth, *The Arlosoroff Murder*, 268, 273.

The spirit of the text is clear. Teveth was anything but sympathetic to Stavsky, Achimeir, and their peers in *Brit ha-Biryonim*. The book presents Stavsky as incompetent, violent, and uneducated. Achimeir is depicted in the book as a fanatic awash with extreme ideology. *Brit ha-Biryonim*, according to Teveth, were a group of thugs who reigned by terror even within the Revisionist camp itself.⁵⁵⁰ On the other hand, Teveth describes the Labor movement and its leadership in a positive light. According to one of the central arguments of the book, Mapai and the Committee of Four never sought to incriminate Stavsky. The suspicion that was cast upon him was the justified result of an objective police and judicial investigation. While Rosenblatt might have been a victim of incrimination, Teveth rationalized his arrest by noting his activity in the paramilitary *Betar* movement in the period that preceded the murder.⁵⁵¹ In simple terms, Teveth believed that Stavsky was guilty, supported the activity of the Committee of Four, and tried to convince his readership that political motivation lay at the heart of the murder.

That was the impression I was left with when reading the book. That was also the impression left decades earlier on people such as Rosenblatt, Shmuel Tamir, and the literary and theater critic, Michal Handelsaltz. A similar reading was adopted by legal scholar Asher Maoz in an article he wrote in 1999.⁵⁵² Exactly for this reason it is important to mention that nowhere in the book does Teveth himself declare that Stavsky murdered Arlosoroff. Moreover, Teveth outlined in detail Stavsky and Rosenblatt's acquittal. The book is therefore characterized by a pronounced gap between incriminating rhetoric and content, on the one hand, and a clear statement about the acquittal of the accused, on the other. This division is consistent with the traditional position of Mapai from the 1930s onwards. Teveth published some clarifications about the book

⁵⁵⁰ Ibid, 11-12, 16, 41-51 and throughout the entire book.

⁵⁵¹ Ibid, 160-63.

⁵⁵² See the letter Zvi Rosenblatt sent to the editor of *Haaretz*, February 25, 1982, ISA C-7120/1; Michael Handelsaltz, "Have 'ahrah," *Haaretz*, June 16, 1983; and Maoz, "Historical Adjudication," 564 and 577.

prior to the establishment of the Bekhor Commission, as well as many years later. This was his response to book reviews by Shmuel Tamir and Asher Maoz, who argued that Teveth accused Stavsky of committing the murder. In response, Teveth wondered whether Tamir and Maoz even bothered to read his book, or whether the two had read it but did not understand it. “I don’t know,” he added sarcastically, “which of the two [options] is worse.”⁵⁵³

The person who surely read the book carefully was Prime Minister Begin who corresponded with the Teveth about the book in the daily press.⁵⁵⁴ And so it happened that in the government meeting that took place on March 14, 1982, at the end of which it was decided to set up the Bekhor Commission, Begin said that Teveth “is not saying that Stavsky murdered Arlosoroff.” Moreover, Begin added that Teveth “leaves [in the book] unanswered questions as to his innocence or guilt but that was not the issue.”⁵⁵⁵ The crux of the matter from Begin’s perspective was the general impression the book transmitted, which, according to his reading, still made Jabotinsky’s blood libel analogy legitimate. This, Begin demanded, must be urgently corrected.

To strengthen his case Begin reviewed the highlights of the affair before his ministers. He spoke about the Mapai pamphlet of 1934 and then restated the arguments he had raised in the

⁵⁵³ Shabtai Teveth, “*Lo He’eshamti*,” *Haaretz* (Literature Section), June 23, 1999, 2 and compare to Shabtai Teveth, “*Mishpate Tamir*,” *Haaretz*, February 19, 1982, 14, 18. One should note that Teveth addressed the Hebrew version of the piece by Maoz and not the English one, to which I refer above. See Asher Maoz, “*Shiput History—Mishpat Kasztner u-Va’adat ha-Hakirah be-Inyan Retsah Arlosoroff*,” in *Hiostoriyah u-Mishpat*, eds., Daniel Gutwein and Menachem Mautner (Jerusalem 1999), 442 and 452.

⁵⁵⁴ Menachem Begin, “*Avraham Stavsky kefi she-Hikartiv*,” *Yediot Ahronoth* (and *Ma’ariv*), February 19, 1982; Shabtai Teveth, “*Teshuvah le-Rosh ha-Memshalah*,” *Yediot Ahronoth*, February 22, 1982; Begin, “*Teshuvah li-Teshuvato shel Teveth*,” *Yediot Ahronoth*, February 26, 1982. Also relevant here is the piece by Moshe Ya’ari, “*Be-Shirut Ma’alile ha-Dam: Teshuvah le-Shabtai Teveth*,” *Be-Eretz Yisrael* (125), 1982, 8.

⁵⁵⁵ The minute of the meeting the Israeli government held on March 14, 1982 is available in ISA C-7120/2 (hereafter: “Government Protocol”). For the above mentioned quote see *ibid.*, 6. A brief account of the meeting and the work of the Bekhor Commission appears in Yechiam Weitz, “*Shetei ha-Neshamot: Menachem Begin ke-Rosh ha-Memshalah (1977-1983)*,” in *From Altalenah to the Present Day: The History of a Political Movement—From Herut to Likud*, ed., Abraham Diskin (Jerusalem 2011), 219-221.

Knesset in 1956 in favor of establishing a commission of inquiry. In so doing, Begin displayed familiarity with the literature connected to the murder and, especially, familiarity with books that contradicted Mapai's position directly or indirectly. He mentioned Klausner's *Sivan Storm*, the book written by the attorney Horace Samuel, who represented Stavsky in the murder trial, and even Anita Shapira's reference to the doubts voiced by Berl Katznelson about the guilt of the accused.⁵⁵⁶ Toward the end of his speech the prime minister turned to his ministers and spoke in a sentimental tone: "I will clearly step down from the public stage in a short while. Can I be asked to step down and leave behind a blood libel when I have a tool to uncover the truth?"⁵⁵⁷ He obviously meant a state commission of inquiry, which would enjoy full freedom to act as it saw fit.

As opposed to his previous attempts to create inquiry commissions, this time around Begin had a sympathetic audience. An absolute majority of the ministers backed him wholeheartedly, all while recounting stories from their personal and collective biographies. Minister Ya'akov Meridor, for example, mentioned that several hours after the murder there was an atmosphere of a *pogrom* in the *Yishuv*, and that he, as a known Revisionist, was forced to flee his apartment. Minister Ariel Sharon, who was only a child at the time, told how he was kicked out of school because his parents dared to voice public support for the Revisionist position. It was only Minister Joseph Burg (*Mafdal*) who was vocally apprehensive about the idea of a commission of inquiry. Burg presented his arguments as someone who, having studied and taught history, had an interest in uncovering the truth. "What is the fuss all about?" he wondered. "An author wrote a book. Must the

⁵⁵⁶ "Government Protocol," 6, 7 and 17. Also see Horace, B. Samuel, *Who Killed Arlosoroff: A Record of Crime in the Mandated Territory of Palestine* (n.p. 1934). About the book by Shapira see note 437 above.

⁵⁵⁶ "Government Protocol," 18.

⁵⁵⁷ *Ibid.*

Government react?”⁵⁵⁸ What does Teveth’s book prove other than the fact that people such as Ben-Gurion were convinced of Stavsky’s guilt? The heart of the matter was the identity of the murderers and that remained a mystery. To this, Burg added that if the government wished to deal with this matter then it should encourage the involvement of authors and scholars by endowing a scholarship. To strengthen his case, he suggested that the renewed interest in the murder provoked by a commission of inquiry would serve only to encourage discord in the nation at a tense enough moment.⁵⁵⁹

Burg’s opinion was heard but rejected. The ministers decided that the Arlosoroff murder was suitable for a commission of inquiry or, as Minister Haim Corfu put it: “After the Yom-Kippur War (1973) dozens of books were published [about the war, but], can one find his way through them? . . . From the abundance of books one cannot uncover the truth. Today [on the other hand] there is no doubt what happened during the Yom Kippur War and no one questions that because there was the Agranat Commission.” Corfu was giving voice to a common Israeli notion that commissions of inquiry have the ability to function as the ultimate public historian, clarifying matters of vital public importance, and providing a reliable, comprehensive, and lucid history about matters of vital public importance. As I have shown elsewhere in the dissertation, the Agranat Commission indeed left a deep imprint on Israeli collective memory and historiography.⁵⁶⁰

⁵⁵⁸ Ibid, 10.

⁵⁵⁹ By this, Burg meant the expected evacuation of the city of Yamit, which triggered much public tension. The city of Yamit was the biggest Israeli settlement in the Sinai Peninsula. The city was totally evacuated in April 1982 as part of the peace agreement with Egypt (the 1979 “Camp David Agreement”).

⁵⁶⁰ “Government Protocol,” 14-15. About the great impact the Agranat Commission has left on Israeli collective memory and historiography see the chapter “The Agranat Commission Report and the Making of Israeli Memory of the Yom Kippur War” in this dissertation. I published a Hebrew version of the chapter in *Iyunim* (2013), 34-64.

In the vote that followed, Begin's proposal was accepted by a resounding majority of eleven in favor, two abstentions, and no objections. After decades of political struggle, Begin's dream to establish a commission of inquiry to investigate the Arlosoroff affair was finally realized. The implementation of the government decision, though, had to face another obstacle in the form of a petition to the Supreme Court. Submitted by a Jerusalem attorney, Daniel Alon, the petition related to the mandate of the commission that started with the following determination:⁵⁶¹

(A)llegations and accusations have recently been published—some of them for the first time—to the effect that Avraham Stavsky and Zvi Rosenblatt, or one of them, were accomplices to the murder of Dr. Chaim Arlosoroff (*The Murder of Arlosoroff* by Shabtai Teveth, Schocken Books, 1982).⁵⁶²

The commission's term of reference assigned the commission to “investigate these allegations and accusations, and submit a report to the cabinet on its findings.”

These general guidelines do not specifically state the allegations that the commission must investigate. They also do not focus the investigation around Teveth's book, which reignited the interest in the affair. While the mandate put Stavsky and Rosenblatt into the spotlight, it did so by describing them as two private individuals, not members of Revisionist organizations. The mandate also failed to mention that the disagreement about their involvement in the murder was divided along political lines. As we will see, these components, which were the focal point of the Arlosoroff affair, were taken for granted by the Bekhor Commission.

Alon's petition to the Supreme Court questioned whether the government's decision meddled with final judgments (*Pesak Din Halut*) given by the judicial authority. This claim was

⁵⁶¹ Supreme Court Jurisdiction (SCJ) 152/82 Daniel Alon v. The Government of Israel.

⁵⁶² The Bekhor Report, 1.

struck down by the court which ruled in August 1982 that the acquittal of Stavsky and Rosenblatt was the final say from a public point of view. In a court session of five Supreme Court judges it was held that “even if the Commission of Inquiry will reach a different conclusion to that which the (Mandate) Court had reached it will not constitute inappropriate interference with a final judgment of the judicial authority.”⁵⁶³

This decision was approved by all five Justices who justified it with varying argumentation. Chief Justice Yitzhak Kahan, for example, likened the commission to a criminal judgment, which can be re-heard at a civil or disciplinary court without calling into question the findings of the judicial review. Chief Justice Menachem Elon explained that contrary to a court that is expected to reach a legal truth, that is, collect evidence and draw conclusions according to strict evidence laws, a commission of inquiry is free to undertake its investigation as it sees fit. Justice Elon concluded by arguing that even if a commission of inquiry reached different conclusions about the Arlosoroff case than the ones the Mandate court reached, then these “different relative truths” of the commission and the court do “not harm one another or contradict one another, but rather complement each other,” in a way that is characteristic of a “civilized and open society.”⁵⁶⁴ Justice Miryam Ben-Porat highlighted a different point concerning the authority of a commission of inquiry to look into the Arlosoroff affair. According to Ben-Porat, the pertinent question was whether the affair was historical or contemporary. As mentioned above, the 1968 Commissions of Inquiry Law authorized the government to establish commissions of inquiry when it appeared that “a matter exists which is *at a time* of vital public importance and requires clarification.”⁵⁶⁵ This question was posed to the government by Attorney-General Yitzhak Zamir in the session held on

⁵⁶³ SCJ 152/82, 449.

⁵⁶⁴ *ibid*, 475.

⁵⁶⁵ See note 412 above. Emphasis added.

March 14, 1982. Zamir warned the ministers that whoever voted in favor of setting up a commission of inquiry must be convinced that the Stavsky and Rosenblatt case fulfilled this condition.⁵⁶⁶ He was not convinced, at least not when Begin raised the issue before him for the first time.⁵⁶⁷ Justice Ben-Porat, on the other hand, contended that the fifty years that had passed since the assassination turned it into a historic event for all intents and purposes. But this, she continued, need not prevent the government from setting up a commission, since the legal process of the Mandate court was marred by many flaws.

After the Supreme Court ruling, a state commission of inquiry to inquire into the assassination of Arlosoroff became a fact. Even so, the discussion about its creation was not limited to the decisive decision handed down by the Justices. It continued to be discussed by scholars and public figures while the work of the commission was carried out and even after it had submitted its final report. This, and other issues that are related to the work of the Bekhor Commission, are the subject of the next part of the chapter.

The Bekhor Commission

The obstacles on the road to the Bekhor Commission were compounded by difficulties in appointing its members. While the authority to establish a commission of inquiry is the government's alone, the authority to appoint its members is given to the president of the Supreme

⁵⁶⁶ "Government Protocol," 15.

⁵⁶⁷ See the interview Prof. Zamir gave to the Oral Documentation Project of the Menachem Begin Heritage Center on July 24, 2001, 24 (VD-21), 23-24. In this interview, Zamir mentioned that the first time Begin told him about the idea to establish a commission of inquiry into the assassination of Chaim Arlosoroff—an idea that followed the publication of a newly released book about the murder—was in 1980 or in 1981. This naïve comment, which is based on Zamir's memory, is most likely an empirical mistake, since the book by Teveth about the Arlosoroff murder was published only in 1982. Unfortunately, this mistake has found its way into several studies such as the ones by Avi Shilon, *Menachem Begin: A Life* (New Haven 2012), 333 and Apelbaum, *A School for Prime Ministers*, 49.

Court.⁵⁶⁸ This separation is designed to prevent the government from appointing commissioners who serve its interests. Accordingly, one month after the formation of the Bekhor Commission, Supreme Justice Moshe Landau appointed three people to the commission: 1) Supreme Justice (Res.) David Bekhor who was chosen to be the commission's chair, 2) Rabbi and theology Professor Eliezer Berkovitz, and 3) historian Dr. Yoav Gelber, who had served as scientific assistant to the state commission of inquiry into the Arab-Israeli War of October 1973 (The Agranat Commission).⁵⁶⁹ Thereafter, Alon's petition to the Supreme Court was submitted and postponed the beginning of the investigation until August.

A further delay was the result of one of the most tragic events of the Israeli military engagement in Lebanon ("Operation Peace for Galilee"). On September 16, 1982, Lebanese Christian Phalangists entered the Shatilla refugee camp and later moved into the Sabra camp, where they massacred 700 to 800 undefended Palestinian Muslims. The tragedy attracted great public attention worldwide. Hundreds of thousands of Israeli citizens demanded that the Israeli government set up a commission of inquiry to examine possible Israeli involvement in the massacre. Among those calling for an inquiry was Yoav Gelber who, on 22 September, resigned from the Bekhor Commission deeming it impossible to investigate the Arlosoroff affair while "the Israeli Government avoids setting up a commission to look into a contemporary, painful and sensitive event such as the massacre in Beirut."⁵⁷⁰ That Commission, headed by Supreme Justice

⁵⁶⁸ See article 4 of the Israeli Commissions of Inquiry Law, 5729-1968. Further explanations regarding the structural differences between state commissions of inquiry and governmental commissions of inquiry are available in Yifat Holzman-Gazit and Ra'anana Sulitzeanu-Kenan, "Emet o Bikoret: Emun ha-tsibur be-Va'adat Hakirah ve-Shinui 'Amadot be-Yahas la-'Eru'a ha-Nehkar – Duah Va'adat Winograd ke-Mikreh Bohan." *Mishpat 'u-Mimshal* 13 (2011): 225-270.

⁵⁶⁹ The letter of appointment of April 25, 1982 is available in ISA C-7120/15.

⁵⁷⁰ Yoav Gelber to Supreme Justice Dr. Yitzhak Kahan, September 22, 1982, ISA C-7120/15.

Kahan was eventually launched at the beginning of November.⁵⁷¹ By the time it issued its final report in February 1983, Gelber had lost his place on the Bekhor Commission. He was replaced by former president of the Tel-Aviv-Jaffa district court, Judge Max Kennet, who had been a court interpreter during the 1934 murder trial, and the chair of another state commission of inquiry, which was set up in 1979 to examine the maintenance and management of Israeli jails. With him on board, the process of appointing three commissioners to the Bekhor Commission was completed. The three were later joined by a team of aides, headed by Judge Alon Gilon who served as the Commission's secretary and data collector. The Commission began its work at the beginning of 1983.

Contrary to most commissions of inquiry, the Bekhor Commission operated out of Tel-Aviv, not Jerusalem. It was hoped that this would ease the participation of two of the elderly members—Judge Berkovitz and Judge Kennet—who did not reside in the capital, and for whom regular commutes to the city would have been a heavy burden. This also explains why the Commission met only twice a week. The meetings took place in an old building (“*Bet Romano*”) in the heart of an industrial area surrounded by shops and workers’ restaurants. The Commission rented half a floor in the building, and had one of the bigger rooms decorated to resemble a courtroom.⁵⁷² This was the setting for the Bekhor Commission, which from the outset was the target of significant ridicule and contempt.

⁵⁷¹ For details about the massacre in Sabra and Shatila and an English translation of the report by the Israeli State Commission of Inquiry into the Events in the Refugee Camps in Beirut (The “Kahan Commission”) see *The Beirut Massacre: The Complete Kahan Commission Report with an Introduction by Abba Eban* (Princeton 1983). By and large, the Commission determined that Israel neither initiated the massacre nor participated in the killings. Nevertheless, the Commission did make a number of far-reaching recommendations against a handful of high-ranking state officials and military officers whose actions, and especially inaction, had enabled the catastrophe to take place. Found personally responsible for ignoring the dangers presented by the Phalangists, Minister of Defense Ariel Sharon was forced to resign from his post and assume the position of minister without portfolio.

⁵⁷² Judge Alon Gilon, who was kind enough to talk to me about the Bekhor Commission on July 11 and August 1, 2012, was also responsible for the logistics of the committee. The three commissioners had died before I began to work on this chapter.



Figure 7 - The Bekhor Commissions in one of its sessions



Figure 8 - The Bekhor Commission. Standing (from the left): David Bekhor, Max Kennet, Eliezer Berkovitz and Alon Gilon. Photos are courtesy of Judge Gilon and the Israel Government Press Office. (Photographer: Gil Goldshtein)

Cain, Abel, Moses, and Arlosoroff

The original letter of appointment of the Bekhor Commission, preceding the resignation of Yoav Gelber in September 1982, included a comment by Supreme Justice Landau agreeing to postpone the inquiry. This was at Justice Bekhor's request to wait until tensions, probably following the Israeli withdrawal from the Sinai Peninsula, subsided. Both Landau and Bekhor were concerned

that the inquiry would trigger further unrest in an already fraught period. Retrospectively, these concerns were anything but justified. The public reception of the Bekhor Commission included questions about the need for the inquiry and its relevancy to 1980s Israeli affairs. Nevertheless, the public debate about the Commission opened a window into issues of historical methodology and the question who has, or should have, the right to make historical judgments.

In a pointed op-ed column in *Haaretz*, journalist Nathan Dunevic suggested that the Israeli government might do just as well “to investigate the deeds and mishaps of the Exodus from Egypt.” “Why,” Dunevic wondered, “had the Israelites had to wander in the desert for forty long years? Didn’t their leaders know the way [to Canaan]?” Dunevic went on the demand, tongue in cheek, of course, that a commission of inquiry be established immediately into the matter.⁵⁷³ The poet Hayim Hefer took this point to the extreme. In a *maqama* he published under the title “Begin’s Folklore,” Hefer toyed with the idea that now, after Begin had launched an inquiry into the Arlosoroff affair, the biblical Cain might demand an investigation into the killing of Abel.⁵⁷⁴ Beth Michael also ridiculed the government’s decision in a satirical column he published in *Haaretz*. Michael fabricated a mandate to the Commission according to which it “shall inquire into the new allegations about the Arlosoroff affair, and strive to get to its bottom, to the truth, the whole truth and nothing but the truth. Hence, the Commission shall not rest until it finally finds out that the murder was carried out by Abdul Madjeid, and Abdul Valid, and Abdul Hamid and Abdul Jabid.”⁵⁷⁵ In Michael’s assessment the Commission was expected to write a Whig-style narrative—a term that he did not explicitly use in his column—which was supposed to substantiate Begin’s

⁵⁷³ *Haaretz*, March 16, 1982.

⁵⁷⁴ *Yediot Ahronoth*, March 27, 1982, 15. Hefer’s less than subtle insinuation was that the identity of the murderers was self-evident, and that Stavsky and Rosenblatt were the murderers of Arlosoroff. Begin and his government, he alleged further, were fully aware of this, and had set up the Commission with the sole purpose of making sure it cleared the name of their political camp. Didi Manusi published a similar *maqama* in *Yediot Ahronoth*, March 19, 1982, 15.

⁵⁷⁵ Beth Michael, “*Ashemim Mi-Hoser Re’ayot*,” *Haaretz*, March 22, 1982.

view about the murder.⁵⁷⁶ An editorial in the daily *Ma'ariv* titled “What for?” followed a different line of criticism. The newspaper protested that the government’s decision to assign a commission of inquiry to study the Arlosoroff murder “is gratuitous for the public, for justice, and for history. The public is currently uninterested in the political hatreds of the former generation, but rather with the existential problems of the present.”⁵⁷⁷

Additional doubts about the Commission touched on questions of methodology. According to one argument, while the existing evidence about the murder was already outdated and inadmissible for a criminal trial, the Commission would be unable to obtain any new evidence. One journalist wondered if the Commission would use a séance to question the dead.⁵⁷⁸ Another wondered why an Israeli commission would succeed in figuring out a murder that had taken place half a century earlier, if an American presidential commission—the Warren Commission—had been unable to unveil the truth behind the assassination of President Kennedy only months after the event took place.⁵⁷⁹ *Haaretz* insisted that the Arlosoroff murder was a matter for historians and not a commission of inquiry. The daily newspaper *Maariv* made a similar argument asserting that history and historians were superior to commissions of inquiry. The means available to them, the paper wrote, “are more sophisticated and more scientific than those of a commission of inquiry that had been brought into the world with the sole object of rejecting the conclusions of a recently published book.”⁵⁸⁰

⁵⁷⁶ See Herbert Butterfield, *The Whig Interpretation of History* (New York and London 1965).

⁵⁷⁷ Editorial, *Maariv*, March, 15, 1982.

⁵⁷⁸ Ziva Yariv, “*Ha-Ve'adah Hokeret*,” *Yediot Ahronoth*, March, 9, 1982.

⁵⁷⁹ *Maariv*, 16 March 1982. According to empirical data, big chunks of American society have remained skeptical about one of the most famous conclusions the Warren Commission reached: that Lee Harvey Oswald acted alone. More about the topic see in Daniel P. Moynihan, *Secrecy: The American Experience* (New Haven 1998), 219-221 and compare to Simon, “Parrhesiastic Accountability,” 1441-1442.

⁵⁸⁰ See the editorial *Haaretz* published on March 19, 1982, and compare to the one of *Maariv*, March 15, 1982.

Bearing in mind that the Commission came into existence because no historian was able to solve the mystery, this attitude seems quite ironic. The views of *Maariv* and *Haaretz* reflected the duality in the common perception of commissions of inquiry. While commissions seemingly do not have the professional means to get to the bottom of the historical truth as historians do, they are expected to discover it or else they fail in their task. Historians, on the other hand, who seemingly have the professional means to clarify historical questions, can leave them open as part of an ongoing intellectual discourse. Philosopher Asa Kasher enhanced this argument in the context of the Arlosoroff affair. Kasher posited that a commission such as the Bekhor Commission, which inquired into a historical affair, blurred the boundaries between the historian, the judge, and the commissioner.⁵⁸¹ He argued that an inquiry such as the one with which the Bekhor Commission had been charged jeopardized the status of the historical discipline, the court, and the principles of justice. Further, Kasher noted that while historical research is by definition a cumulative process, the juridical procedure strives to be final. In the case of the Arlosoroff murder, the court had already reached a verdict. Opening the case would therefore weaken the court's authority in the eyes of the public.⁵⁸² Some three decades after these words were put on paper they seem far from convincing. After all, as we shall see later, the Bekhor Commission neither left a strong imprint on Israeli historical memory nor weakened the status of the court in the eyes of Israeli citizens.⁵⁸³

⁵⁸¹ One scholar who elaborated on the difference between the judge and the historian is Carlo Ginzburg. See his book *The Judge and the Historian* (London and New York 1999), 118 and throughout the entire book.

⁵⁸² Asa Kasher, "Ben Siman She'elah le-Siman Keriaha," *Zemanim* 9 (1982): 15-19 and compare to the piece by Shlomo Ne'eman, "Parashat Hayim Arlosoroff ke-Mashal o Ormat ha-Historiyah," *ibid*, 5-14. According to historian Yehosu'a Praver, the Bekhor Commission was assigned with the task of rewriting history for political purposes *per se*. See the interview Praver gave to historian and journalist Tom Segev, "Ha-Kerav 'al ha-Historiyah," *Haaretz*, March 26, 1982.

⁵⁸³ On the civil status of the Israeli Supreme Court see Gad Barzilai, *Bet Ha-Mishpat ha-Elyon be-'Ene ha-Hevrah ha-Yisraelit* (Tel-Aviv 1994).

The Commission's Methodology

One thing the Bekhor Commission did do was to address the criticism aimed against it. In fact, in the introduction to their report the commissioners conceded that the murder “ought to be studied by historians and not by a state commission of inquiry”:

The circumstances are unique because Stavsky and Rosenblatt were acquitted, but a flaw remains, from the moral and public point of view, due to what the judges said about the reasons for the acquittal. When historians come to deal with questions of this kind, they examine all the material evidence that was available to the courts and the judicial proceedings, as well as the material evidence, if such exists, which was not brought before the court because it was legally inadmissible, along with additional material that had since come to light. If necessary, historians will also review the totality of things in the light of the data and worldview that prevailed during the trial, vis-à-vis those that prevail at the time of their examination. This in fact has been the practice, to one degree or another, in the various books and articles that have been published in the course of time on the Arlosoroff murder affair. From the point of view of the Commissions of Inquiry Law, there would appear to be considerable similarity between the above approach and the task of this commission—which must try to arrive at the factual truth without being bound by the laws of evidence and other restrictions which apply to the court.⁵⁸⁴

Besides telling us that the topic would be better studied by historians and not by themselves, the commissioners argued that, for all intents and purposes, they were undertaking historical research. Having read the Bekhor Report, the minutes of the public hearings the Commission held, the

⁵⁸⁴ The Bekhor Report, 3.

protocols of its closed deliberations and, no less importantly, a large chunk of the public, legal, and scholarly source material about the Arlosoroff affair, I have come to the conclusion that what the Commission actually did was to undertake a study of the history of the historiography of the Arlosoroff murder. In other words, the Bekhor Report is a synthesis of former studies written about the affair, along with new evidence that the Commission obtained on its own. Accordingly, the report addresses former books and articles about the Arlosoroff murder, but does so without making reference to any particular book, study, or article.

The Commission tried to get hold of any piece of information that had been published about the murder since 1933. Besides reexamining the evidence that was brought to the Mandate court in the 1930s, it collected thousands of articles published in daily newspapers, political bulletins, academic studies, verdicts of Israeli courts, memoirs, and autobiographies. Source material was retrieved from the Central Zionist Archives, personal archives, and the Israel State Archives. The Commission also tried to obtain source material from British archives, but these were of little help. During the seventeen public hearings the commission held, and seven additional ones Judge Gilon conducted by himself, the commission heard the testimonies of sixty witnesses who were familiar with the Arlosoroff murder. Their testimonies enabled the Commission to reconstruct the legal procedures undertaken by the Mandate court, and touch on issues that the court either ignored or was unaware of due to the nature of the legal procedure and strict evidence laws, which a commission of inquiry did not have to follow.

Some of the witnesses the Commission called to the stand were already in their seventies and eighties. They were asked to tell the Commission about testimonies they gave to the British authorities, or about other information that was relevant to the inquiry, if legally inadmissible. Some of the witnesses asked to appear before the Commission on their own initiative. Others, on

the other hand, were called to testify either by the Commission or by lawyers representing the Arlosoroff, Stavsky, and Rosenblatt families, who were fighting for their reputations.⁵⁸⁵ The Commission, therefore, in some sense retried the case, especially after it issued a letter of warning to the late Simah Arlosoroff, whose testimony regarding Stavsky and Rosenblatt's guilt was discredited. Since some of the key witnesses were no longer alive or healthy, the Commission was willing to hear the testimonies of their spouses and descendants who were asked to talk about their relatives' experiences and memories. Thus the Commission relied heavily on oral history. Many of the witnesses were asked about their political affiliation in an attempt to make sure they were not trying to propagate views or dismiss the narrative of one of the political camps for political reasons.

The Bekhor Commission Report

The Bekhor Commission reached a unanimous conclusion that Stavsky and Rosenblatt did not murder Arlosoroff. This does not mean that the Commission endorsed the Revisionist take about the affair. First, the Commission declared that the evidence brought before it did not allow it to determine who carried out the assassination and whether it was politically motivated. Also, the Commission noted that by using the term "blood-libel" in the context of the Arlosoroff affair the Revisionists had taken the term out of context in an inappropriate way. The 202-page report was divided into three main sections, each written by one of the commissioners.

⁵⁸⁵ The attorneys who represented the Arlosoroff family were the famed Michael Caspi, Shlomo Levron, Ehud Gera and Yair Landau. Attorney Chaim Grossman represented the families of Avraham Stavsky and Tsvi Rosenblatt. See the concluding comments the parties submitted to the Bekhor Commission at ISA C-7120/4 and C-7120/6, respectively.

The longest and most detailed one was the section by Justice Bekhor who found the mutual allegations raised by Mapai and the Revisionists to be unfounded conjectures. They reflected a natural phenomenon according to which “people are prone to believe what they want to believe, and then they are not always scrupulous about examining the evidence.”⁵⁸⁶ Like his two colleagues, Justice Bekhor dismissed the testimony of Simah Arlosoroff as unreliable. In a decision that is reminiscent of the verdict Judge Valero reached in 1934, the three commissioners accepted that Simah truly believed that the murderers of her late husband to be Stavsky and Rosenblatt, but that this identification was deeply flawed.

There was no unanimity between Berkovitz and Kennet concerning the involvement of the Mandate authorities in the investigation of the murder. Berkovitz questioned police conduct during the investigation, the authorities’ intention to uncover the truth, and whether Stavsky and Rosenblatt should ever have been put on trial.⁵⁸⁷ Judge Kennet, on the other hand, concluded that the police had not tried to incriminate the Revisionist group *Betar* in the murder, even if there were mistakes in the investigation. Kennet concluded that there was no truth to the claim made by some of the right-wing in the *Yishuv* that the judges let political considerations interfere with their adjudication. Two additional comments by Kennet related to arguments raised in Teveth’s book. First, Kennet mentioned that according to Teveth *The People’s Front* newspaper significantly contributed to the political polarization in the *Yishuv*. Furthermore, he claimed that notwithstanding the serious efforts exerted by the Bekhor Commission to find new groundbreaking- evidence about the case, it was unsuccessful in doing so. This claim goes hand-in-hand

⁵⁸⁶ The Bekhor Report, 166. Justice Bekhor made this point in the context of allegations Mapai raised against the Revisionists. This assertion seems to also reflect his opinion regarding allegations Revisionists raised against Mapai. In a different context, historian Doron Mendels makes a similar observation about the nature of human memory, collective and individual. See his study *Memory in Jewish, Pagan and Christian Societies of the Graeco-Roman World: Fragmented Memory—Comprehensive Memory—Collective Memory* (London and New York 2004), 34.

⁵⁸⁷ *ibid.*, 177-183.

with Teveth's assertion that the affair was, in fact, "frozen" for decades.⁵⁸⁸ This also corresponds to the forward of the book where Teveth thanks "the judge, who wishes to remain anonymous, who read the manuscript and commented on it."⁵⁸⁹ The identity of this judge as Judge Kennet was revealed towards the end of 1982, shortly after Kennet was appointed as a member of the Commission.⁵⁹⁰ In an interview Kennet gave to the *Maariv* newspaper he explained that prior to his appointment as a commissioner he informed the president of the Supreme Court about the assistance he had provided Teveth while writing the book. He also clarified that this help had been free of charge and that Chief Justice Kahan did not deem it a problem in appointing him to the Commission. In retrospect, it appeared to have been a logical decision since Kennet did not attempt to use the Commission as a means to give Teveth's book a state commission of inquiry's official stamp of approval. After all, as opposed to Teveth, Kennet disqualified Simah Arlosoroff's testimony for being unreliable and was unconvinced that the assassination was politically motivated.

What is History?

An additional comment in Kennet's opinion opened a window to another central issue that loomed over the Commission's work: the nature of the historical discipline. More specifically, the Commission considered how historians arrived at their contrary opinions about the murder. Also, it pondered over history as a field of research. In the conclusion of his opinion, Kennet questioned whether historians would ever be able to determine what the Commission could not—the identity

⁵⁸⁸ Ibid, 168-174 and compare to note 549 above.

⁵⁸⁹ Teveth, *The Arlosoroff Murder*, 6.

⁵⁹⁰ "Reisah Arlosoroff: Ha-Sivuv ha-Shelishi shel ha-Shofet Kennet," *Maariv*, December 30, 1982.

of the killers. Kennet's conclusions were wistful, believing that there was only a slim chance of this. He criticized the historical discipline as a fenceless one, that is, a field of study exposed to the (partial) understanding of historians who not only fail to clarify mysterious events such as the Arlosoroff murder but, instead, increase the confusion surrounding them.⁵⁹¹ By applying their subjective readings of historical sources and providing interpretations that often vary from one historian to another, historians do not always, or necessarily, clarify their research topics. Sometimes, they muddy the waters. To strengthen his argument Kennet relied on claims brought before the Commission orally and in writing by Professor Yosef Nedava.

In his youth, Nedava had belonged to the *Betar* movement, and, later, dealt with the assassination affair for decades as a lawyer, a historian, and a publicist.⁵⁹² As part of his efforts to prove the Revisionist narrative in the 1950s, he provided legal assistance to the journalist Gershon Hel (Hendel), who had faced an internal legal tribunal by the journalist association.⁵⁹³ A decade later Nedava wrote a lengthy and detailed forward to Achimeir's book about the murder trial. In 1971, he testified on behalf of the plaintiffs in the libel case against Edwin Samuel, the *Jerusalem Post*, and the Keter Publication House. Once the Bekhor Commission was setup in 1982, Nedava was delighted, and believed it could complete its work within a very short time.⁵⁹⁴ He willingly took the time and effort to address the Commission with the intent of proving three main points: 1) that Mapai did plot a blood libel, 2) that the murderers of Arlosoroff were Abdul Madjeid and Issa Darwish, and 3) that it was Labor and not the Revisionists who instigated politically motivated violence in the *Yishuv* during the early 1920s. Interestingly enough, the long historical

⁵⁹¹ The Bekhor Report, 175-176 (and compare to page 3).

⁵⁹² Yosef Nedava, who was a lawyer by training, had received a PhD in law from the University of London (1954) and a PhD in History from the University of Pennsylvania (1970). For years he also taught history of Zionism at the University of Haifa, Israel.

⁵⁹³ See note 465 above.

⁵⁹⁴ *Ha-ir*, April 10, 1982, 10.

memorandum Nedava submitted to the Bekhor Commission opened with a reflection and relativization of a professional historian on his own craft. It is worthwhile quoting him here:

Most people believe in the illusion that history can provide judgment. To me this would seem a fundamentally wrong assumption: history never gave judgment and historians, with different and often contradicting world views, tend to see issues through their own unique prism. Thus they cannot be expected to reach a consensus on any specific issue. There are those who imagine that “the judgment of history” is a judgment handed down by “arch angels” who sit in judgment opening all the archives that are at their disposal, carefully examining facts and details and, in the end, resolving all questions and settling all doubts. There is no greater lie than that. The judgment of history is like the judgment of a computer that outputs conclusions based on the inputs fed to it by humans. It is thus clear that as facts have different facets depending on the point of view, so do historians disagree with one another. Not only do they not clarify difficult cases but they increase the confusion and often cause insanity.⁵⁹⁵

These words are reminiscent of Edward Carr’s assertion that “facts speak only when the historian calls on them.”⁵⁹⁶ Nedava raised this topic to point out that after many years of trying to uncover the truth in the Arlosoroff affair, it was no longer important what historians wrote or will write about it in the future. Their opinions would continue to differ no matter what. Therefore, only a commission of inquiry, as an official state-appointed mechanism, would succeed in putting an end

⁵⁹⁵ Yosef Nedava to the Bekhor Commission, ISA C-7120/5, 1 and compare to the words of commissioners Kennet in the Bekhor Report, 176. Nedava made this point about history and historians also in the introduction he added to *The Trial* by Achimeir (62-63) and in an article he published after the Bekhor Commission had completed its work (Yoseph Nedava, “*Historiyah be-Re’yi Akum*,” *ibid*, *Between the Visions* [Jerusalem 1989] 290-305).

⁵⁹⁶ Edward H. Carr, *What is History?* (New York 1961), 9. This point also illuminates “history’s relationship to scientific truth, objectivity, postmodernism, and the politics of identity.” I borrowed these words from Joyce Appleby, Lynn Hunt and Margaret Jacob, *Telling the Truth about History* (New York and London 1994), 10.

to the affair. Kennet agreed with Nedava's opinion about historians, although, unlike Nedava, he eventually acknowledged the Bekhor Commission's inability to bring the affair to a close. Like his two colleagues on the Commission, Bekhor and Berkovitz, Kennet wondered about the nature of the historian's craft. The background to that reveals a mini *Historikerstreit* ("historians' quarrel") that occurred between Nedava and Dr. Yaacov Shavit of Tel-Aviv University.

Shavit was one of the early founders of research into the Zionist Right who submitted a historical memo to the Bekhor Commission.⁵⁹⁷ Unlike Nedava, who submitted his memorandum voluntarily, Shavit did so upon the request of the lawyers of the Arlosoroff family who tried to prove to the Commission that Stavsky and Rosenblatt did murder Arlosoroff. Moreover, Shavit's memo was written in response to the one by Nedava.⁵⁹⁸ In it, Shavit attempted to depict a plausible scenario whereby Arlosoroff was assassinated for political reasons by members of *Brit ha-Biryonim*. Focused on the tensions that existed in the Zionist world in general and the *Yishuv* in particular in the early 1930s, he wrote about *Brit ha-Biryonim* and the agitation that existed between the Right and Left political wings during those years. Most important for us is the comment Shavit made at the beginning of his statement:

The role of the historian is basically not to obtain "justice" for this or that individual, but to draw a historical picture that is based on reliable facts, to give them, to the best of his [or her] ability, a correct interpretation, and to try to see the picture from all its sides and

⁵⁹⁷ About Shavit's contribution to the study of Revisionist Zionism see Goldstein, *Heroism and Exclusion*, 9-15. The memorandum Shavit submitted to the Bekhor Commission is available at ISA C-7124/4.

⁵⁹⁸ About historians as expert witnesses see Theodore J. Karamanski ed. *Ethics and Public History: An Anthology* (Malabar, Florida 1990), 31-44, and compare to Richard J. Evans, "History, Memory, and the Law: The Historian as Expert Witness," *History and Theory* 41:3 (October 2002): 326-45. Also see Henry Rousso, *The Hunting Past: History, Memory, and Justice in Contemporary France* (Philadelphia 1998), 48-83. In his book Rousso explains why he refused to testify as an expert witness in the trial of Maurice Papon (a Vichy civil servant who was accused in the 1990s of committing crimes against humanity).

⁵⁹⁸ Ya'akov Shavit to the Bekhor Commission, ISA C-7124/4, 2.

aspects. It would appear to me that the memo the Commission received from my learned colleague, Prof. Joseph Nedava, describes the historical event selectively, subjectively and with an interpretation that suits a predetermined ideology. That memo cannot, in any way, serve as a reliable analysis of historical facts and to the best of my knowledge it is misleading.⁵⁹⁹

This harsh criticism presented Nedava's memo as a kind of historical *midrash*, which puts ideology and wishful thinking before the careful work of the historian.⁶⁰⁰ That said, even if this is indeed the case—after all Nedava did present a one-sided position about the identity of the killers—it was not clear from Shavit's memo how his account was any different from that of Nedava, except for the final conclusion it reaches. Both historians were convinced that they analyzed the topic on the basis of reliable facts. However, both analyses were based on partial and circumstantial evidence which did not include the only evidence required to reach a sound conclusion in the case, that is, empirical evidence regarding the identity of Arlosoroff's murderer. Shavit's conclusion suggesting that Revisionist activists plotted the murder and carried it out was no less circumstantial than the counter conclusion Nedava propagated. Like other historians, Shavit showed that radical Revisionists used physical and verbal violence against Labor activists, and that they were averse to Arlosoroff. Nevertheless, he was unable to prove beyond a reasonable doubt that Stavsky and Rosenblatt carried out the murder. All we can say with certainty is that Arlosoroff was shot to death on the beach of Tel-Aviv on the night of June 16, 1933. Any other detail associated with this tragic event is questionable and open for circumstantial interpretation.

⁵⁹⁹ Ya'akov Shavit to the Bekhor Commission, ISA C-7124/4, 2.

⁶⁰⁰ I borrowed the term "historical midrash" from Myers, *Re-inventing the Jewish Past*, 121.

Statements by other witnesses addressed the way in which the history of the Arlosoroff murder was written. One of them was Shabtai Teveth, whom the Commission called to give testimony after he had declined its demand to reveal in writing the identity of some of his informants. More specifically, Teveth refused to reveal the identity of some people who had assisted him in obtaining material about Rivka Feigin, who had assisted the Committee of Four in its efforts to gather incriminating evidence against Stavsky and Rosenblatt. Correspondence between Teveth and the Commission's secretary, Judge Gilon, indicates that the initial request for the Feigin sources was not the Commission's idea but rather that of one of the attorneys who appeared before the Commission. No doubt this was a reference to attorney Grossman, who represented the Stavsky and Rosenblatt families.⁶⁰¹ In his preliminary response to this demand Teveth insisted that his book relied only on material he had been able to retrieve in public archives, as well as secondary sources, such as newspapers and books. Although he did not have any primary material concerning the murder investigation, he was able to obtain original notes by Feigin. He added that he had promised the person who handed him these notes not to reveal his identity.

Following his written answer to the Commission, Teveth was subpoenaed to testify before it. The subpoena made it clear that Teveth may also be asked about the identity of a "well known lawyer" whom Teveth mentioned in an endnote without revealing his or her name. According to this endnote, the lawyer heard that the assassins of Arlosoroff were Madjeid and Darwish. Attorney Grossman was therefore interested in knowing the identity of this lawyer. This was far from agreeable to Teveth who asked to consult with his lawyers in an effort to convince his informants

⁶⁰¹ The correspondence between Judge Gilon and Shabtai Teveth is available at ISA C-7126/9. Also see ISA C-7120/12, 764-765.

to appear before the Commission in person. These attempts were fruitless and forced Teveth to give testimony himself.

One of the questions that attorney Grossman asked Teveth on the witness stand was whether he had written his book as a historian or as a journalist. Grossman mentioned that Teveth did not confine himself to the rigorous rules and conventions of professional historiography. Although toward the end of the book there is a section that includes endnotes, this section includes only a partial documenting of what is presented in the book. In addition, the body of the text does not include direct references to these endnotes. It is, therefore, hard to know which endnote refers to which part in the text. Grossman also wondered whether a historian could abstain from revealing his human sources as if their relationship was comparable to that of a doctor and patient or clergy and communicant.⁶⁰² In response, Teveth refused to declare whether his work was journalistic or historical writing. He maintained his refusal to reveal his sources and explained to the Commission that the issue at hand had to do with contemporary history.

Another witness who was asked about the methodology she adopted while writing about the Arlosoroff affair was journalist Tamar Maroz. In 1973, toward the fortieth anniversary of the murder, Maroz had published a long and detailed investigative piece on the murder.⁶⁰³ In her testimony, Maroz explained to the Commission that she spent three years working on the piece during which she collected large amounts of archival data. She also held several meetings with Simah Arlosoroff. Maroz insisted that at the beginning of her work she did not have a fixed opinion on the affair. Gradually, however, she reached the conclusion that Stavsky and Rosenblatt were not Arlosoroff's assassins. This conclusion did not go down well with Simah Arlosoroff, who tried

⁶⁰² Ibid, 767-780.

⁶⁰³ See note 532 above.

to prevent the article's publication.⁶⁰⁴ This claim, which is reminiscent of the Margot Klausner's experience writing *Sivan Storm*, was rejected by the attorneys for the Arlosoroff family.⁶⁰⁵ Similarly to *Sivan Storm*, the critics of which discredited it as historical fiction, there were those who tried to undermine Maroz's work. In her examination, attorney Landau tried to demonstrate that Maroz was not familiar with the material on which she relied. He also raised the possibility that the piece by Maroz was biased and misleading. Maroz rejected these suppositions outright but admitted that quotes in her articles were not necessarily exact quotes related to her first-hand. According to her, this type of writing was common and acceptable in journalism, not to mention that she did not intend to write a research paper but rather a journalistic article and no more.⁶⁰⁶ We see that, as in the case of Teveth's testimony, the topic at hand was the gap between academic and popular writing. Another way to put it would be to ask the question: "in what way does a historian write history?"

This question, which I put here in quotation mark, is not a journalistic paraphrase *à la* Tamar Maroz. It is an exact quote of Commission member Berkovitz, who at a certain point was simply confused.⁶⁰⁷ Perplexed by the large scope of oral and written evidence that was brought before the Commission, Berkovitz addressed that question to another witness by the name of Tzipora Feldman, a retired history teacher. In response, Feldman answered laconically that modern history is studied according to "investigations, documents and interpretations."⁶⁰⁸ The historiographical approach the Bekhor Commission eventually adopted took into account another factor, that is, the lacuna in empirical data required for historical interpretation. The Commission

⁶⁰⁴ See the testimony of Tamar Maroz at ISA C-7120/11, especially 284-300.

⁶⁰⁵ Attorney Yair Landau to Judge Along Gilon, December 26, 1984, ISA C-7120/7, 6.

⁶⁰⁶ ISA C-7120/11, 286.

⁶⁰⁷ ISA C-7120/12, 600.

⁶⁰⁸ *Ibid.*

sought the objective truth about the murder through a positivistic methodological approach. In simple terms, it tried to determine who murdered Arlosoroff. It was also humble enough to publicly acknowledge that the evidence brought before it did not enable it to do so. In this respect, members of the Commission differed from other historians who looked into the murder, who were not “always meticulous about citing all the relevant facts in the proper context.”⁶⁰⁹ As this chapter shows, this assertion is not groundless.

Post Bekhor—Postmortem

The chapter reconstructed the road that led to the setup of the Bekhor Commission, and analyzed the way in which the Commission tried to meet its research challenge. We have seen that the course leading to the creation of the Commission involved half a century of political, legal, and historiographical battles. The two main narratives about the murder, Labor and Revisionist, were formed within days after the murder and based on political interests and intuition. As a result, when the case was taken to court, the rival parties expected the Mandate authorities to acknowledge the “truth” that they already knew. Stavsky’s acquittal in the summer of 1934 on technical legal grounds, that neither cleared his name nor the suspicion that hung over his political camp, exacerbated the extant political animosity in the *Yishuv*. The first phase in the Arlosoroff affair ended, then, with an ambivalent legal truth and two opposing political truths.

From this point on, the Arlosoroff affair was characterized by two counter trajectories. On the one hand, Revisionist activists tried to put the affair on the national agenda. Conversely, senior Labor members sought to shunt the affair aside. To that end, they tried to prevent the publication

⁶⁰⁹ The Bekhor Report, 3.

of studies about the murder and blocked Revisionist initiatives to set up commissions of inquiry into the matter. When the Bekhor Commission was finally established after the Likud assumed power, the Commission was part of a wider trend to transform the historical heritage of the Revisionist movement into an integral part of the national historical heritage. The highest expectation Prime Minister Begin and his government had of the Commission was to prove who did not murder Arlosoroff (as opposed to who did murder him). Put another way, the government hoped the Commission would acknowledge the innocence of the Revisionist camp. In this respect, the Commission proved a total success.

On the day the Commission published its report, former Prime Minister Begin made a rare announcement addressing the families of Stavsky, Achimeir, and Rosenblatt, who had died a few months earlier:

Family members who are living among us read today the conclusion of the State Commission of Inquiry that determines that those accusations [against the three] were wrong. I pass on my greetings to them, to the members of the Jabotinsky movement and to all our people, who always knew that the accused are innocent and repeatedly demanded that the truth be revealed. The issue was justice. It has been done. This is a good day for the people of Israel.⁶¹⁰

To say the least, not everyone shared this opinion. One of the most popular daily newspapers in Israel, *Yediot Ahronoth*, presented the report as a compromise, which neither confirmed nor dismissed the main narratives about the murder. According to the newspaper, the main loser in the report was the late Simah Arlosoroff whose reputation was severely damaged. A

⁶¹⁰ See note 538 above.

similar position to that of *Yediot Ahronoth* was voiced on the same day by Shabtai Teveth.⁶¹¹ A few days later, Teveth was more critical toward the Commission, which he claimed did not clearly differentiate between the diverse pieces of evidence that had been brought before it, failing to give them the correct weight.⁶¹² Teveth also posited that the Bekhor Report included empirical mistakes. One additional point Teveth stressed was that it is not at all clear whether the Commission functioned as a legal instrument or as a body that sought to write official Israeli history.

A different kind of criticism against the Commission was voiced by Joseph Nedava and the Arlosoroff family, who were extremely disappointed by the Commission, though for opposite reasons. Nedava was of the opinion that the Commission had missed an opportunity as it had enough evidence to name the murderers as Abdul Madjeid and Issa Darwish.⁶¹³ Unlike Nedava, Saul Arlosoroff, the deceased's son, insisted that his father's assassins were Stavsky and Rosenblatt. The junior Arlosoroff further remarked that the Commission should not have been established in the first place since it had come into the world for political reasons and not in order to discover the truth.⁶¹⁴

As this chapter has demonstrated, this assertion includes more than a grain of truth. After all, the fight for the historical truth in the Arlosoroff affair had been largely political from day one.

Precisely for that reason, people like Saul Arlosoroff who dismissed the legitimacy of the Bekhor

⁶¹¹ Shabtai Teveth, "Du'ah Pesharah," *Yediot Ahronoth*, June 5, 1985 and compare to the interview Teveth gave to the Israeli Broadcast Association on June 4, 1985.

⁶¹² Shabtai Teveth, "Va'adat Arlosoroff—Lo Sof Pasuk," *Yediot Ahronoth*, June 7, 1985. Interestingly enough, years after Teveth had published this piece, he changed his mind, and presented the Commission in a positive light. More specifically, Teveth argued that the Commission ratified one of his main claims, according to which "Avraham Stavsky was suspected of the murder following a police investigation that started without political party involvement and pressure, but that Tsvi Rosenblatt was a victim of a Mapai libel." (Shabtai Teveth, "Lo He'eshanti," *Haaretz* (Literature Section), June 23, 1999, 2.

⁶¹³ Yosef Nedava, "Ha-Ta'alumah" she-lo Pu'ankhah," *Yediot Ahronoth*, June 9, 1985, 15.

⁶¹⁴ See *Davar*, June 5, 1985, and compare to the interview Saul Arlosoroff gave to journalist Ayelet Negev in 1993 ("Arlosoroff Hozer ha-Baitah," *Yediot Ahronoth* (7 Days Section), June 11, 1993.

Commission should be reminded, that the attempts to prevent the establishment of the Commission were also political in nature. What made the Arlosoroff murder into the Arlosoroff affair was the political controversy that split the *Yishuv*. Any attempt to ignore the political aspect of the affair is therefore doomed to failure.

From a legal point of view, the work of the Bekhor Commission was quite different from any other legal proceeding that was engaged in the case. While the Mandate court followed strict criminal laws, the Commission was free to undertake its investigation as it saw fit. This fundamental difference in the methodologies adopted by the Commission and the court respectively was, however, irrelevant when it came to their final judgments. Both of them reached the conclusion that Stavsky and Rosenblatt were innocent. What set the court and the Commission apart from each other was the way they presented this conclusion. While the court announced it in two conflicting voices, which left a dark shadow on the reputation of Stavsky and his Revisionist peers, the Commission was much more decisive in its willingness to declare the Arlosoroff case as insoluble. What the Commission was unwilling to rule on was the identity of the murderers. In this respect, the Commission did not complete its work and left the affair open. This also made it different from laymen and historians dealing with the case who reached unequivocal conclusions regarding the identity of the assassins, although they did so on partial and circumstantial evidence.

The inability of the Bekhor Commission to determine positively who murdered Arlosoroff—inability that was the result of deficiency in unequivocal empirical evidence—should not be held against it. In fact, the willingness of the Commission to acknowledge this failure in public represented a responsible and balanced historiographical approach, which stood in contradiction to unfounded explanations about the murder, such as the “Nazi theory” or the involvement of the PCP. One of the catalysts that brought about the Bekhor Commission in the

first place was a historiographical lacuna of which the Commission was fully aware. The Commission's archive includes a myriad of primary and secondary sources, written and oral alike, which the Commission integrated into its report. Comprehensive as this archive is, it does not include clear-cut evidence regarding the fundamental question of who murdered Arlosoroff.

When the Bekhor Commission was set up in 1982, the Arlosoroff murder was far from being a burning topic on the Israeli public agenda. Nevertheless, for Begin, for veterans of the Revisionist movement, and for their generation, the murder was unfinished business. In light of former unsuccessful attempts to clarify the matter by legal, political, and historiographical means, a state commission of inquiry was the last resort to reach a consensual solution to the murder. In this respect, the Commission performed a highly important social function, which touched on the way a national society deals in matters of urgent public interest. The Commission nuanced and brought down to earth a number of important questions that could not, and should not, be reduced to single, one-dimensional answers. When, for example, does an event become a historical event? What is the difference between various kinds of truth, such as legal truth, political truth, factual truth, and historical truth? How do historians write history and who has, or should have, the right to make historical judgments on matters deemed to be of vital public importance? These questions are normally confined to the philosophy of history. The establishment of the Bekhor Commission brought them to the center of the public arena. While the Commission functioned as an arbiter of history, and studied the history of the historiography of the murder, it did not have an enduring impact on Israeli historical memory, as Begin and his ministers had hoped.

Epilogue

It's been and gone.
It's been, so it's gone.
In the same irreversible order,
For such is the rule of this foregone game.
A trite conclusion, not worth writing
if it weren't an unquestionable fact,
a fact for ever and ever,
for the whole cosmos, as it is and will be,
that something really was
until it was gone,
even the fact
that today you had a side of fries.
(Wisława Szymborska, *Metaphysics*)

Almost three decades have passed since the Bekhor Commission completed its work. During this time Begin stepped off the political stage as he said he would. The Bekhor Report is stored in the Israeli State Archives where it belongs, and the Arlosoroff murder, let alone the Bekhor Commission, has received little public and scholarly attention.⁶¹⁵ Arlosoroff's historical image is present today in the Israeli public sphere as almost every city in the country has a street named after him. But the murder that traumatized an entire generation eighty years ago looks today like a marginal event in Israeli history, which is full of other agonies and ordeals. In the past, as the editors of the book *From Resistance to War* rightly noted, "the *Yishuv* was split about the [Arlosoroff] case between those who believed in the guilt of Stavsky and those who believed he was innocent."⁶¹⁶ One can guess that only a handful of people who regularly walk down Arlosoroff Street in Tel-Aviv, for example, or live in Kiryat Chaim or Kefar Chaim that are named after Arlosoroff, have a firm opinion about the murder. Nevertheless, the Arlosoroff affair points to a

⁶¹⁵ Like in the past, the Arlosoroff murder has attracted in the 2000s mainly the attention of people who seem to propagate the Revisionist take about the murder. Such studies would be, for example, the one by Menachem Sarid, "Mif'al Hantsahat Arlosoroff: Le'an Halkhu Kaspé Ha-Terumot," *Ha-Umah* 148 (2002): 78-89 and Menachem Sarid, "'Ha-Va'adah' shel Mapai ve-Takhsiseyah ba-Hakiraht Retsah Arlosoroff," *Ha-Umah* 152 (2003): 55-69. The Jabotinsky Institute in Israel, which publishes the journal *Ha-Umah* has paid a special attention to the affair. In 2013, the eightieth anniversary of the murder, the institute organized a number of events about the murder.

⁶¹⁶ Dinur et al., *From Resistance to War*, Vol. II, Part I, 497.

significant phenomenon, that memory, individual and collective, has a life of its own. It becomes history, without the need to explore it further or affirm its validity.

A recent example of that in the context of the Arlosoroff murder is a report aired on Israeli television in 2012. The report, which presented the Arlosoroff murder as an unsolved mystery, included interviews with people who insisted they knew who committed the murder. One of the persons who participated in the show was historian Zeev Tsahor, who was formerly David Ben-Gurion's personal assistant. Having been asked whether he took Simah Arlosoroff's testimony at face value, Tsahor referred to Ben-Gurion, who used to say that he fully believed Simah Arlosoroff. When Ben-Gurion "believed in something," Tsahor added as someone who knows the scene, "one could see [it]. And I believe him."⁶¹⁷ Similar words were voiced by Saul Arlosoroff, who was in his eighties when the show was broadcast. Arlosoroff spoke out against the Bekhor Commission, which according to him had unjustly sullied his mother. Immediately after him a person by the name of Yossi Regev was interviewed. Regev ardently claimed that he had heard the truth about the affair from his mother who had been a member of *Brit ha-Biryonim* and who had an "obsession for truth." According to that truth, Arlosoroff's assassins were Abdul Madjeid and Issa Darwish.⁶¹⁸ Regev summed up by saying that "you have here Saul Arlosoroff who heard the truth from his mother and Yossi Regev who heard it from his [mother]. One of the two mothers is lying."

Since these harsh words were aired two years had passed.

As of yet, no state commission of inquiry has been established to look into this troubling issue.

⁶¹⁷ See episode 14 in the first season of the series *Ha-Kesher Ha-Yisraeli*. The show is available online at: <http://www.mako.co.il/mako-vod-23tv/conspiracy-s1/VOD-b215a0b4b631241006.htm> (last visited on April 13, 2014).

⁶¹⁸ Ibid and compare to the blog Yossi Regev posted online at: <http://www.tapuz.co.il/blog/net/viewentry.aspx?EntryId=1271371> (last visited on April 13, 2014).

Conclusion

Past events that once occurred, their constructed re-description in written form (historiography), and the way people affirm and hold them in memory, have the potency of serving a wide array of psychological, social and political functions. Joyce Appleby, Lynn Hunt, and Margaret Jacob have made this point clearly:

History fulfills a fundamental human need by reconstituting memory. Memory sustains consciousness of living in the stream of time, and the *amour propre* of human beings cries out for the knowledge of their place in that stream . . . It is exactly the psychological potency of written history that makes it so important to nations. Just as memory in all its visible and invisible forms sustains personal identity, so national memory, kept alive through history, confers a group identity upon a people, turning association into solidarity or legitimating the coercive authority of the state.⁶¹⁹

In simple terms—history matters. History is not just things that happened in the past. It is our ongoing dialogue with it—in and beyond the ivory tower. This notion stands at the basis of this study, which focuses on the ways in which Israeli society—a society characterized by an acute historical consciousness—has grappled with a number of significant national traumas.

Commissions of inquiry constitute an important mechanism in the ability of Israeli society, and many other countries, to process national traumas. These official state-bodies blur the boundaries between the political, the legal and the administrative realms, and open a vista into the nexus between history and memory. The formation of a historical narrative is part and parcel of any inquiry. The mandate commissions receive to draw conclusions and sometimes even to make

⁶¹⁹ Joyce Appleby, Lynn Hunt and Margaret Jacob, *Telling The Truth About History* (New York 1994), 258 and 270.

operational and personal recommendations on the basis of their findings, turn their inquiries into a historical tribunal of a particular kind. Commissions of inquiry therefore constitute part of a global trend that we might call the “legalization of history”—a phenomenon that has especially increased after World War II—in which national and international tribunals, inquire into historical events. In this regard, commissions fulfill a function of historical judge, for which judgment is based fundamentally on a historical narrative, and for which the aim of historical narrativization is historical judgment. This casts commissions of inquiry in the position of a public historian of a unique kind which, unlike a professional historian, is by definition expected not to refrain from making ethical and legal judgments, but rather to stress judgment, which is in the final analysis the underpinning motivation for the historical inquiry.

Moreover, since commissions of inquiry operate in the context of a vibrant political discourse, they provide an illuminating vantage point to explore processes of collective memory formation, and struggles over national historical memory. On paper, the work of *ad hoc* commissions ends when they issue their final reports. In practice, however, the historical narratives commissions author have the potential of resonating within the public sphere also in the years that follow. This poses the question whether commissions are effective means in forging collective memory. At the basis of the frequent calls by Israeli citizens and office holders to establish inquiries stands the notion that commission do have the ability to shape conventional views regarding matters of vital public importance. This study demonstrates that this view is realistic, at least at times. The conclusions of the Agranat Commission, for example, regarding the Yom Kippur War in general, and the intelligence failure and the Concept in particular, became an organizing principle in the public and scholarly discourse about the war. The Commission operated, then, as an extremely effective agent of memory and language. The fact that the

Commission's effect on Israeli historical memory was a byproduct of its work only strengthens the notion regarding the potential embedded in commissions of inquiry as agents of collective memory. Nevertheless, the Agranat case is not necessarily typical for Israeli commissions since others have been less successful in leaving a lasting imprint on the national historical memory. Such commissions were, for example, the military and kibbutz inquiries into the failed battles in Nitzanim, Masada and Sha'ar ha-Golan, as well as the Bekhor Commission that studied the Arlosoroff murder.

The analysis of the work of commissions of inquiry as described in this study seems to point to two different kinds of commissions, each of which could be divided into distinct subgroups. In the context of history-writing, one should differentiate between two kinds of commissions:

- 1) Commissions such as the Bekhor Commission that delved into the history and historiography of events that happened decades prior to the establishment of the commission.⁶²⁰
- 2) Commissions that were established in the immediate wake of the events that gave rise to the inquiries and that were politically acknowledged as matters of vital public importance.

In the context of commissions of inquiry as agents of collective memory, one should differentiate between three kinds of commissions:

⁶²⁰ As explained in the introduction of this study, the Or Commission and the commissions that inquired into the Yemenite Children Affair are two further case studies of commissions that reported on events which took place decades before the establishment of those formal state bodies.

- 1) Commissions such as the Agranat Commission, which wittingly or unwittingly were able to shape their historical narratives into national metanarratives.
- 2) Commissions whose publication of their reports marked the beginning of a prolonged, systematic and effective commemoration process (e.g. the case of the Burstein Committee and Kibbutz Nitzanim).
- 3) Commissions of inquiry that were unable to leave an enduring impact on the national historical memory (e.g. the Bekhor Commission and the military and kibbutz inquiry into the fall of Masada and Sha'ar ha-Golan).

Previous studies that dealt with memories of cultural and national traumas elaborated a variety of factors that played a role in the construction of collective memory.⁶²¹ Such factors included, inter alia, the power, composition, and number of agents of memory that dealt with the topic; the time that elapsed from a certain trauma until its commemoration; the use of public space and institutionalized sites for sustaining memories of traumas, and the nature of the narratives available about them. Furthermore, existing scholarship about collective memory has focused on the different means that diverse nations used to shape the memories of their citizens. Such means included symbols, ceremonies, direct teaching and required textbooks.⁶²²

This study has sought to add an additional mechanism to this list—state-based commissions of inquiry—which have become embedded in the political culture of Israel and many other countries. Moreover, this study suggests that what makes some commissions of inquiry assume an important role in Israeli public affairs is their potential to function as effective agents

⁶²¹ See for example Gary Alan Fine, *Difficult Reputations: Collective Memories of the Evil, Inept, and Controversial* (Chicago and London 2001), cf. Vered Vinitzky-Seroussi, *Yitzhak Rabin's Assassination and the Dilemmas of Memory* (Albany 2009). Also relevant here is the study by Gladys Engel Lang and Kurt Lang, *Etched in Memory: The Building and Survival of Artistic Reputation* (Chapel Hill and London 1990).

⁶²² For relevant references see Howard Schuman, Vered Vinitzky-Seroussi, and Amiram D. Vinkokur, "Keeping the Past Alive: Memories of Israeli Jews at the Turn of the Millennium," *Sociological Forum* 18:1 (March 2003), 104.

of memory. This new way of thinking about commissions of inquiry widens and nuances the previous modes of studying commissions of inquiry, which has tended to focus on them as political, quasi-legal and administrative bodies. Furthermore, this study demonstrates that the prospect for a given commission of inquiry to become an effective agent of collective memory is highly dependent on a wide range of factors and circumstances. Commissions do not necessarily have a direct influence on such variables which include, inter alia, the commission's letter of appointment; the way a commission chooses to read its mandate; the question whether a commission's report is kept confidential or made open to the public; the scope of popular and professional scholarship about the topic at hand; activity (or lack thereof) of political patrons who find a particular interest in the topic, and the time spanned between a traumatic event and the establishment of a commission of inquiry.

An illustration of how some of these factors interacted in determinative ways is the contrast between the Bekhor Commission and the military and kibbutz inquiries. While the former was expected to bring an end to a fifty year old historical controversy, about which much popular and scholarly ink had already been spilled, the military and kibbutz inquiries about the failed battles in the 1948 War were established in the more or less immediate wake of the events and prior to any other historical research. Furthermore, while members of Nitzanim were fully committed to a systematic and adamant fight for their reputation in the history of the 1948 War, members of Masada and Sha'ar ha-Golan adopted a much more passive line of action. The preliminary exoneration that the Burstein Commission gave Nitzanim was a necessary though insufficient step in its ongoing fight over the national historical memory. The official state vindication the Commission gave the kibbutz already in 1948 in fact allowed its members to carry on this fight in the decades that followed. This they did through a myriad of textual, communal and political

means. As we have seen, this fight enabled the kibbutz to surmount the accusation of cowardice and betrayal, and transform itself into a symbol of heroism. The fact the kibbutz itself has continued to live in the shadow of the 1948 trauma does not contradict this. Rather, the insistence of its members that their reputation had been badly damaged in fact facilitated their repeated efforts to reclaim their honor and to revise their image in Israeli collective memory.

The story of kibbutz Masada and Sha'ar ha-Golan is a kind of a mirror image of this scenario. As in the case of Nitzanim, here too, a military commission and several other kibbutz commissions reached the conclusion that the harsh condemnation of the kibbutzim had done them an injustice. Nevertheless, unlike in the case of Nitzanim, these reports were not made public, and the kibbutzim decided not to make use of almost any of the means employed intensively by the members of Nitzanim to mythologize their names in the national historical memory. While the trauma of the war and the public condemnation that came in its wake led Nitzanim to undertake a proactive approach, Masada and Sha'ar ha-Golan reacted to the trauma with passivity and silent grievance.

* * *

One of the catalysts that led me to undertake this study in the first place were assertions made by Yosef Hayim Yerushalmi regarding the would-be dichotomy between history and memory, and the relatively limited ability of professional historians to forge collective memory (in comparison to literature and ideology). This stands as a central point of discussion in the introduction to this study. The current chapter, on the other hand, opened with Appleby, Hunt and Jacob, who present a very different understanding of the role of history and historians in the making of nations than that expressed by Yerushalmi. His focus on the rupture between history

and memory, and on history, consequently, as the "faith of the fallen Jew," left little room in his discussion for the affinities and interactions between the two.

A major goal of this study has been to add some new perspective to this, and to shed new light on the web of cultural forces and agents whose interaction yields the sometimes illusive and always changing national historical consciousness. Within this complex, one should take into account the significant role played by non-professional historians in the process of forging collective memory. One implication of this is that there may be room for an expansion of our very notion of history, how it is written and who writes it, and what social roles it plays once it leaves the ivory tower and the pages of learned journals. Certainly, it seems more productive not to think in terms of conflicting roles played by history and memory respectively, but rather of the ways in which they interact with one another and in the process shape the production of each.

Bibliography

Archives

Central Zionist Archives (CZA)

Israel State Archives (ISA)

Israeli Defense Forces and Defense Establishment Archives [IDFA]

Nitzanim Archives

Sha'ar ha-Golan Archives (SHGA)

The Jabotinsky Institute Archives (JIA)

The Menachem Begin Heritage Center, The Oral Documentation Project.

The Yad Tabenkin Archives - The Research and Documentation Center of the Kibbutz Movement (YTA).

Newspapers

‘Al ha-Mishmar

‘Alon ha-Palmach

Ba-Emek u-Varamah

Ba-Maheneh

Davar

Der Moment

Doar Hayom

Ha-‘ir

Haaretz

Ha-Boker

Ha-Daf ha-Yarok

Ha-Kibbutz

Hatsofe

Ha-Yarden

Ha-Zeman

Herut

Jewish Forward Weekly

Ma'ariv

The Jerusalem Post

The New Yorker

Yediot Ahronoth

Inquiry Reports

Agranat, 1975—The Agranat Commission, *Du'ah Va'adat Agranat, Va'adat ha-Hakirah—Milhemet Yom Kippur*. Tel-Aviv: Am Oved, 1975.

Agranat, Reasoning and Completion' or 'the Second Interim Report'—The Agranat Commission, *Milhemet Yom Ha-kippurim, Din Ve-heshbon helki Nosaf: Hanmakot veha-Shelamot la-Du'ah ha-Helki mi-Yom 9 Nisan Tashlad*), 2 Volumes. Jerusalem: 1974.

Agranat, Third and Final—The Agranat Commission, ' *Milhemet Yom ha-Kippurim—Din Veheshbon Shelishi ve-Aharon*. Jerusalem: 1975.*

“The Bekhor Commission Report”—The State of Israel, The Commission of Inquiry into the Murder of Dr. Chaim Arlosoroff. Jerusalem: The Governmental Publisher, 1985.

Bellamy, Denise E., Toronto Computer Leasing Inquiry: Toronto External Contract Inquiry, 2005. Available online at:

http://www.toronto.ca/inquiry/inquiry_site/report/pdf/TCLI_TECI_Report_Inquiry_Process.pdf

Gordoinyah, *Bulletin* (16), July 11, 1948, YTA 12-13/ 13b4.

Ha-Shomer ha-Tsa'ir, ' *Du'akh shel ha-Ve'adah le-virur Parashat Sha'ar ha-Golan* ', June 14, 1948 (YTA 12-13/13b4).

*All volumes of the Agranat Commission report are available online at:
<http://www.archives.mod.gov.il/pages/Exhibitions/agranat/1/album/index.html#>

Ha-Va'adah la-Hakirat Parashat Nitzanim, *Du'akh mi-Hakirat Parashat Nitzanim* ("The Burstein Report"), IDFA 1022-922, 1975.

Kahan Commission—*The Beirut Massacre: The Complete Kahan Commission Report with an introduction by Abba Eban*. Princeton N.J.: Karz-Cohl, 1983.

Kohen-Kedmi Commission—*Va'adat ha-hakirah ha-Mamlakhtit be-'Inyan Parashat He'almutam shel Yeladim mi-ben 'Ole Teman ba-Shanim 1948-1954*. Jerusalem: The Governmental Printer, 2001.

Shaltiel David, *Mikre ha-"Azivah shel Sha'ar ha-Golan u-Masada* ("The Shaltiel Report"), IDFA, 176-121/1950.

The South African Truth and Reconciliation Commission, 1995-2002. Available online at: <http://www.justice.gov.za/trc/report/execsum.htm>

The United States Congress, *CIA: The Pike Report*. Nottingham: Spokesman Books, 1977.

Warren Commission—*Report of the President's Commission on the Assassination of President John F. Kennedy*. Washington D.C.: Government Printing Press, 1964.

Winograd Commission—*Va'adah li-Vedikat eru'e ha-Ma'arakhah bi-Levanon 2006: Din ve-Heshbon Sofi* 2008 (available online at: www.vaadatwino.gov.il)

Mandatory and Israeli Verdicts

High Court Jurisdiction 128/74. Shmuel Gonen v. The Commission of Inquiry—Into the Yom Kippur War, *Pesak Din* 28 (2), 80, 1974.

High Court Jurisdiction 5088/93, Ma'ariv v, The State of Israel.

High Court Jurisdiction, 469/74, Shmuel Gonen v. The Commission of Inquiry, *Pesak Din* 29 (1), 635 (1974).

Mandatory Criminal Assize Case, 110/34 Misdemeanor. Attorney General v. Achimeir & Others.

Mandatory Criminal Assize Case, 3/34. Attorney General v. A. Stavsky, Z. Rosenblatt, A. Achimeir.

Supreme Court Jurisdiction 152/82. Daniel Alon v. The Government of Israel.

Supreme Court Jurisdiction 9/34, Avraham Stavsky v. Y. Ben-Aharon, Ha-Po'el ha-Tsa'ir, B. Katsenelson, D. Melnik and Ahdut Publication House.

Tel-Aviv District Court 10-08-23835, The State of Israel v. Dr. Amiram Ezov (*Dinim Mehozi*, 140, 459, 2011).

Tel-Aviv Jaffa District Court, Civil Case 4631/64. Zvi Stavsky v. Shaul Avigur, the Israeli Labor Party, and the Editor, Publisher and Printer of the journal *Molad*.

The Jerusalem District Court, 374/71. Zvi Rosenblatt, Ya'akov Orenstein and Haim Dviri v.

Edwin Samuel, Keter Publishing House Ltd., The Palestine Post Ltd, and Todd R. Loria.

The Jerusalem Magistrate's Court, 551/71. Zvi Rosenblatt, Ya'akov Orenstein and Haim Dviri v.

Edwin Samuel, Keter Publishing House Ltd., The Palestine Post Ltd, and Todd R. Loria.

Official Documents by the State of Israel

“Government Protocol” –The Israeli Government and *Merkaz ha-Hasbarah*, “*Madu'a Derushah*

Va'adat Hakirah she-Tivdok et ha-Te'anut voha-Hashamot ha-Mehudashot le-fi'en

Avraham Stavsky ve-Zvi Rosenblatt o Ehad mi-hem Hishtatfu be-Retsah Chaim

Arlosoroff, March 14, 1982, ISA C-7120/2.

Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Vol. 18, June 29, 1955.

Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Vol. 20, June 6, 1956.

Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Vol. 68, July 10 and July 25, 1973.

Israeli Knesset, *Divre ha-Knesset* (Records of the Knesset), Volume 38, December 25, 1963.

Ministry of Defense. “*Halakim Hasuyim mi-Du’ah Va’adat Agranat Nehsafim le-‘Iyun ha-Tsibur.*” September 20, 2006. Available online at:

http://www.mod.gov.il/pages/general/pdfs/Vaadat_Agranat.pdf

Regulation 5611 of the 25th Government, Commissions of Inquiry Decree: Review Permission of Report by a Commission of Inquiry Report, 1 July 1994.

Resolution 3317 of the 30th Government, “The Setup of a Committee to Evaluate the Disclosure of Source Material of the Commission of Inquiry into the Yom Kippur War”:

<http://www.pmo.gov.il/Secretary/GovDecisions/2005/Pages/des3317.aspx>

The Israeli Knesset. *Knesset Protocols* 73, 2090. Jerusalem: the Governmental Publisher, 1975.

The Knesset. Constitution, Law and Justice Committee, Protocol 385. January 12, 2005.

The Knesset. Constitution, Law and Justice Committee, Protocol 386. January 18, 2005.

The Knesset. Constitution, Law and Justice Committee, Protocol 391. January 24, 2005.

The Knesset. *Protocols of the Knesset* 70 (April 11, 1974). Jerusalem: the Governmental Publisher, 1974.

The Reasoning for the Second Amendment, *Commissions of Inquiry Bill* [1383], 1979.

The State of Israel, *Laws of the State of Israel*, Vol. 23, 5729-1968/69. Jerusalem: The Government Printer.

The State of Israel, *Laws of the State of Israel*, Vol. 23, 5729-1968/69. Jerusalem: The Government Printer, 1968/69.

The State of Israel. *Basic Law: The Military—1975, Reshumot—Kovets ha-takanot* 1197.

The State of Israel. Commissions of Inquiry Edict (*Heter ‘Iyun be-Din ve-Heshbon shel Va’adot*

Hakirah). Regulation 5611 of the 25th Israeli Government, 1994.

The State of Israel. *Laws of the State of Israel*, Vol. 23, 5729-1968/69, 32-39. Jerusalem: The Government Printer, 1968/69.

Websites

American National Council of Public History (NCPH) at

<http://ncph.org/cms/what-is-public-history/> Blog – Yossi Regev (“*Retsah Arlosoroff ‘od Hai*”):

<http://www.tapuz.co.il/blog/net/viewentry.aspx?EntryId=1271371>

Documentary – *Ha-Kesher ha-Yisraeli*:

<http://www.mako.co.il/mako-vod-23tv/conspiracy-s1/VOD-b215a0b4b631241006.htm>

Documentary - The Funeral of Chaim Arlosoroff:

<http://www.youtube.com/watch?v=AfrTkLlpn5I>

Israel Prize:

<http://cms.education.gov.il/EducationCMS/UNIT5/PrasIsrael>

The Wolf Foundation: <http://www.wolffund.org.il/>

Association for Israelis of Central European Origin:

<http://www.irgun-jeckes.org/?CategoryID=290&ArticleID=486>

Campaign Ribbons and Service Badges: <http://www.israelidecorations.net/Towns19481949.htm>.

Habimah - National Theater of Israel:

http://www.habima.co.il/show_item.asp?itemId=1298&levelId=64313

The Jewish National Fund:

<http://www.jnf.org/work-we-do/our-projects/tourism-recreation/women-of-valor-center.html>

Kibbutz Nitzanim: <http://www.knizanim.com/>

Marcuse, Harold, "Reception History: Definition and Quotations"

<http://www.history.ucsb.edu/faculty/marcuse/receptionhist.htm>

Society for Preservation of Israel Heritage Sites:

<http://eng.shimur.org/searchResults.aspx?query=nitzanim>

UNESCO World Heritage: <http://whc.unesco.org/en/list/1040>

Interviews (In Parentheses, the Interviewee's Role in 1973)

Dr. Yaakov Hisdai, Military Researcher of the Agranat Commission.

Prof. Yoav Gelber, Scientific Assistant to the Agranat Commission.

Books in Hebrew*

Achimeir, Abba. *The Trial*. Tel-Aviv: Shamgar, 1968.

_____. *Berit Ha-Biryonim*. Tel-Aviv: Ha-Va'ad le-Hotsa'at Kitve Achimeir, 1972.

Adan, Avraham. *On Both Banks of the Suez: An Israeli General's Personal Account of the Yom Kippur War*. Jerusalem: Yediot Ahronoth, 1979.

Ahimeir, Yosef and Shmuel Shatski, eds., *Hinenu Sikarikim: Eduyot u-Mismakhim 'al Berit ha-Biryonim*. Tel-Aviv: Nitzanim, 1978.

Almog, Shmuel. *Tsiyonut ve-Historiyah*. Jerusalem: Magnes 1982.

Alroey, Gur. *Immigrants: Jewish Immigration to Palestine in the Early Twentieth Century*

* Some Hebrew books have been given both Hebrew and English titles. These books are mentioned here in English alone.

- Jerusalem: The Ben-Zvi Institute, 2004.
- Amir, Ruth. *The Politics of Victimhood: The Redress of Historical Injustices in Israel?* Tel-Aviv: Resling, 2012.
- Apelbaum, Boaz. *A School for Prime Ministers: 10 Israeli Prime Ministers—The Personal Story.* Tel-Aviv: Bitan, 2001.
- Arazi, Tuviyah. *Be-Ruah Se'arah: Perakim mi-Hayav u-Mif'alo shel Yehuda Arazi.* Tel-Aviv: Bet Ha-Haganah, 1986.
- Arbel, David, and Neeman Uri. *Unforgivable Delusion.* Tel-Aviv: Yediot Ahronoth, 2005.
- Arlosoroff, Chaim. *Kitve Hayim Arlozorov*, seven volumes. Tel-Aviv: Stybel, 1934-1935.
- Asher, Daniel. *Breaking the Concept.* Tel-Aviv: Ma'arakhot, 2003.
- Assenheim, Omri. *Zeelim: Ha-Trauma shel Sayeret Matkal.* Or Yehudah: Kinneret Zemora Bitan, 2012.
- Avital-Eppstein, Gideon. *The Yom Kippur War: A Battle over the Collective Memory.* Jerusalem and Tel-Aviv: Schocken, 2013.
- Avnery Uri. *Optimistic.* Tel-Aviv: Miskal, 2014.
- Avni, S. *The "Hanoar Hatzioni" in Romania, 1939-1949.* Tel-Aviv: Reshafim, 1992.
- Avrahami, Aryeh. *"Hanoar Ha-Tziyoni" in Romania.* Tel-Aviv: Masu'ah, 1984.
- Ayalon, Avraham. *Hativat "Givati" be-Milhemet ha-Komemiyut.* Tel-Aviv: Maarakhot, 1959.
- _____. *The Givati Brigade Facing the Egyptian Intruder.* Tel-Aviv: Ministry of Defense Press, 1963.
- Bar-Joseph, Uri. *The Angel, Ashraf Marwan, the Mossad and the Yom Kippur War.* Or Yehudah: Kinneret Zemora Bitan, 2010.
- _____. *The Watchmen Fell Asleep.* Lidia: Zmora Bitan, 2001.

- Bar-On, Mordechai. *Givati Kemo Kulam: Korot Gedud 55 be-Milkhemet ha-'Atsma'ut*. Jerusalem: The Center for Defense Studies, 2009.
- _____. *Moshe Dayan: A Biography 1915-1981*. Tel-Aviv: 'Am 'Oved 2014.
- _____. *The Beginning of the Israeli Historiography of the 1948 War*. Tel-Aviv: The Ministry of Defense Press, 2001.
- _____. *The Beginning of the Israeli Historiography of the 1948 War*. Israel: The Galili Center for Defence Studies and the Ministry of Defense Press, 2001.
- Bartov, Hanoach. *Daddo—48 Years and 20 More Days*. Tel-Aviv: Ma'ariv, 1978.
- Barzilai, Gad. *Bet Ha-Mishpat ha-Elyon be-'Ene ha-Hevrah ha-Yisraelit*. Tel-Aviv: Papirus, 1994.
- Ben-Ami, Uriel. *Last Roar in Metula*. Tel-Aviv: The Ministry of Defense Press, 1990.
- Ben-Gurion, David. *From the Dictionary: The 1948 War*. Tel-Aviv: The Ministry of Defense Press, 1986.
- _____. *Mi-Lev el Lev: Devarim el Orim Shakulim*. Tel-Aviv: The Ministry of Defense Press, 1976.
- _____. *Zikhronot 1934-1935, Vol. II*. Tel-Aviv: 'Am Oved, 1972.
- Ben-Meir, H. *Retsah Arlosoroff: Homer le-Mishpat ha-Tsibur*. Tel-Aviv: Ahdut, 1934.
- Ben-Porat, Yeshayahu, et al. *Ha-mehdal*. Tel-Aviv: Hotsa'ah Meyuhedet, 1974.
- Ben-Yerocham, Ch. *The Great Libel: The Arlosoroff Case*. Tel-Aviv: The Jabotinsky Institute in Israel, 1982.
- Benziman, Uzi. *Nothing but the Truth*. Jerusalem: Keter, 2002.
- Bergman, Ronen, and Gil Meltzer. *The Yom Kippur War—Moment of Truth*. Tel-Aviv: Miskal, 2003.

- Boaz, Arie. *Unseen Yet Always Present: The Life Story of Shaul Avigur*. Tel-Aviv: The Ministry of Defense Press, 2001.
- Braun, Arie. *Moshe Dayan and the Yom Kippur War*. Tel-Aviv: Edanim, 1992.
- Chamizer, Dan. *Panta Rhei*. Tel-Aviv: Zmora-Bitan, 1998.
- Cohen, Yohanan. *Hanoar Hatzioni: The Growth of a Movement*. Tel-Aviv: Lavendah, 1976.
- Cohen, Hillel. *1929: Year Zero in the Jewish-Arab Conflict*. Tel-Aviv: Keter, 2013.
- Conforti, Yitzhak. *Zeman 'Avar: Ha-Historiyografiyah ha-Tsiyonit ve- 'Itsv ha-Zikaron ha-Leumio*. Jerusalem: The Yad Ben Zvi Institute, 2006.
- Dagan, Shaul, and Yakir Eliyahu, *Shimon Avidan—Givaty :The Man who Became a Brigade*. Givat Havivah: Yad Ya'ari, 1995.
- Dan, Uri. *Sharon's Bridgehead*. Tel-Aviv: Hotsa'ah Meyuhedet, 1975.
- Dayan, Moshe, *Moshe Dayan, Story of My Life*. Tel-Aviv: Edanim, Dvir, 1976.
- _____. *Moshe Dayan: Story of My Life*. Jerusalem: Yediot Ahronoth, 1976.
- Dinur, Ben-Zion, Shaul Avigur, Yitzhak Ben-Zvi, Elazar Galili, Yisrael Galili, Yehudah Slutzki, eds. *From Resistance to War (Sefer Toldot ha-Haganah)*. Tel-Aviv: Ma'arakhot, 'Am Oved, 1954-1973.
- Dothan, Shmuel. *Reds: The Communist Party in Palestine*. Kfar-Sava: Shevnah ha-Sofer, 1991.
- Dror, Tzvika. *Nitzanim: A Settlement Built Twice*. Tel-Aviv: The Ministry of Defence Press, 1990.
- Dror, Yehezkel. *Be Our Leader! A Guide for Perplexed Jewish-Zionist Foundational Leaders*. Tel-Aviv: Miskal, 2011.
- Dviri, Haim. *Unforgettable Spring Day*. Tel-Aviv: Hidekel, 1986.
- Eitan, Rafael. *Mitsnah Revi'i Niftah*. Tel Aviv, Miskal, 2001.

- Etsiyoni, Binyamin, ed., *Ilan va-Shelah: Derekh ha-Keravot shel Hativat Golani*. (el-Aviv: Ma'arakhot, 1959.
- Ezov, Amiram. *Mishmar Haemek Will Stand*. Or Yehuda: Kinneret Zemora-Bitan 2013.
- _____. *Crossing*. Or Yehuda: Kinneret Zmora-Bitan, 2011.
- Friling, Tuvia ed. *An Answer to a Post-Zionist Colleague*. Tel-Aviv: Yediot Ahronoth, 2003.
- Gavriely-Nuri, Dalia. *Nikmat ha-Nitsahon: Ha-Tarbut ha-Yisraelit ba-Derekh le-Milhemet Yom ha-Kippurim*. New York: Israel Academic Press, 2014.
- Gelber, Yoav. *Independence Versus Nakba*. Or Yehudah, Dvir, 2004.
- _____. *History, Memory and Propaganda*. Tel-Aviv: 'Am 'Oved, 2008.
- Getter, Miryam. *Hayim Arlozorov: Biografyah Politit*. Tel-Aviv University: Ha-Kibbutz ha-Me'uhad, 1977.
- Gilboa, Amos, Ephraim Lapid, and Yossi Erlikh, eds. *Masterpiece*. Tel-Aviv: Yediot Ahronoth, 2008.
- Gilboa, Moshe. *Mekomo shel ha-Adam ba-Etikah shel Aplaton*. Tel-Aviv: Hamol, 1977.
- Ginossar, Pinhas and Avi Bareli, eds. *Zionism: A Contemporary Controversy: Research Trends and Ideological Approaches*. Sede Boker: Ben-Gurion University of the Negev Press, 1996.
- Golan, Haggai, and Shaul Shai, eds. *Yom Kippur War Studies*. Tel-Aviv: The Ministry of Defense, 2003.
- Goldstein, Amir. *Heroism and Exclusion: The "Gallows Martyrs" and Israeli Collective Memory*. Tel-Aviv and Jerusalem: The Jabotinsky Institute and Yad Izhak Ben Zvi, 2011.
- Gophen, Moshe, and Gal Itzhaki, eds., *Lake Kinneret*. Israel: The Ministry of Defence Press, 1992.
- Gordon, Shmuel. *Thirty Hours in October*. Tel-Aviv: Ma'ariv, 2008.

- Graur, Mina. *The Writing of Ze'ev Jabotinsky: A Bibliography (1897-1940)*. Tel-Aviv: The Jabotinsky Institute in Israel, 2007.
- Greengold, Zvika. *Zvika Force*. Ben-Shemen: Modan, 2008.
- Guri, Haim. *Ha-Sefer ha-Meshuga*. Tel-Aviv: Am Oved, 1971.
- Gutwein, Daniel, and Menachem Mautner, eds., *Historiyah u-Mishpat*. Jerusalem, The Zalman Shazar Center for Jewish History, 1999.
- Haber, Eitan, and Ze'ev Schiff. *Yom Kippur Lexicon*. Or Yehudah: Zmora-Bitan, 2003.
- Halamish, Aviva. *Meir Yaari. The Rebbe from Merhavia: The State Years*. Tel-Aviv: Am Oved, 2013.
- _____. *Meir Yaari: A Collective Biography. The First Years Fifty Years: 1897-1947*. Tel-Aviv: Am Oved, 2009).
- Halutz, Dani. *Straightforward*. Tel Aviv: Miskal, 2010.
- Hashavia, Arie. *Hither To: The Story of the 53th Battalion Givati Brigade 1948*. Israel: Minister of Defense Press, 2005.
- Ha-Va'ad le-Hotsa'at Sefer Betar. *Sefer Betar: Korot u-Mekorot*. Jerusalem: 1969-1973.
- Hechter, Tirza. *The Yom Kippur War: Trauma, Memory and Myth (1973-2013)*. San Bernardino: 2014.
- Herzog, Chaim. *Days of Awe: Commentaries on the Yom –Kippur War*. Tel-Aviv: Ma'ariv, 1973.
- _____. *The War of Atonement*. Tel-Aviv: Yediot Ahronoth, 1998.
- Hisdai, Ya'akov. *Truth in the Shadow of War*. Tel-Aviv: Zemora-Bitan Modan, 1979.
- IDF History Department, *Toldot Milhemet ha-Komemiyut: Sipur ha-Ma'arakhah*. Israel: Ma'arakhot, 1959.

- Kahalani, Avigdor. *The Heights of Courage: A Tank's Leader War on the Golan*. Jerusalem and Tel-Aviv: Schocken Books, 1977.
- Kannari, Baruch. *Tabenkin in Eretz-Israel*. Ramat-Efal and Sede Boqer Campus: Yad Tabenkin and the Ben-Gurion Research Center, 2003.
- Kantor, Efrat. *The Collective Memory of Hakibutz Hameuchad—Its Formation and Essential Components*. Sede Boker: The Ben-Gurion Research Institute for the Study of Israel and Zionism, 2007.
- Katz, Ben-Zion. *Ha-Emet Kodemet la-Shalom*. Tel-Aviv: Haaretz, 1934.
- _____. *Lo Ukhal le-Hahashot 'od: 'Al Devar Retsah Arlosoroff*. Tel-Aviv: Haaretz, 1933.
- Katz, Jacob. *With My Own Eyes*. Jerusalem: The Zalman Shazar Center for Jewish History, 2007.
- Kazimirsky, Orna, Nava Grossman-Aloni, and Sari Aludi, eds. *Ha-Modi'in v'ha-Kevarnit*. Tel-Aviv: The Ministry of Defense Press, 2004.
- Kedar, Nir. *Mamlakhtiyut: David Ben-Gurion's Civic Thought*. Be'er-Sehva and Jerusalem: The Ben-Zvi Institute, 2009.
- Kfir, Ilan. *The Suez Canal Heroes: The Southern Front, October 1973*. Tel-Aviv: Yediot Ahronoth, 2003.
- Kipnis, Yigal. *1973, The Way to War*. Or Yehudah: Kinneret Zmora-Bitan Dvir, 2012.
- Klagsbald, Avigdor. *Tribunals of Inquiry*. Jerusalem: Nevo, 2001.
- Klausner, Margot. *Sufat Sivan: Parasha Ahronah be-Haye Haim Arlosoroff*. Tel-Aviv: Gadish, 1956.
- Kron, Shlomo. *The Presence of the Holocaust in Symbols and Myths of Israel's War*

- of Independence*. PhD Dissertation, Tel-Aviv University, 2010.
- Kurz, Anat, ed. *Thirty Years Later*. Tel-Aviv: Jaffe Center for Strategic Studies, 2004.
- Lanir, Zvi. *Fundamental Surprise*. Tel-Aviv: Tel-Aviv University, 1983.
- Lebel, Udi. *The Road to the Pantheon: Etzel, Lehi and the Borders of Israeli National Memory*. Jerusalem: Carmel, 2007.
- Levi, Dror, and Yisrael Rosenzweig, eds., *Sefer Ha-Shomer Ha-Tsa'ir*. Merhavayah: Sifriyat Ha-Po'alim, 1956-1964.
- Levin, Menachem. *The Scroll of Menachem*. Tel-Aviv: The Jabotinsky Institute in Israel, 2008.
- Lorkh, Netanel. *Milkhemet ha-Atsma'ut*. Ministry of Defence Press, 1957.
- _____. *Korot Milkhemet ha-Atsma'ut*. Israel, Yediot Ahronoth, 1989.
- Margalit, Elkanah. *Tenu'at ha-No'ar Gordonyah—Ra'ayon ve-Orah Hayim*. Tel-Aviv: Ha-Kibbutz ha-Me'uhad, 1986.
- Margalit, Dan. *Ra'iti Otam*. Tel-Aviv: Zamora Bitan, 1997.
- Masada, *Kevutsat Masada: 25 Shanim le-Kiyumah*. Tel-Aviv: Ahdut, 1962.
- Meir, Golda. *My Life*. Tel-Aviv: Ma'ariv, 1975.
- Micha'eli, Ben Zion. *Abandoned Settlements*. Tel-Aviv: Milo, 1980.
- Mifleget Po'ale Eretz Yisrael. *Ketavim ve-Te'udot 5689-5695*. Tel-Aviv: Merkaz Mifleget Po'ale Eretz Yisrael, 1935.
- Milstein, Uri. *Left to Die*. Israel: Seridut, 2013.
- _____. *The Outbreak of the War*. Tel-Aviv: Yaron Gal, 1992.
- Morris, Benny. *1948: A History of the First Arab-Israeli War*. Tel-Aviv: 'Am Oved, 2010.
- Mossinson, Yigal. *Be-'Arvot ha-Negev*. Israel: Or 'Am, 1989.
- _____. *Be-'Arvot ha-Negev: Mahazeh be-Shalos Ma'arakhot*. Tel-Aviv: N.

- Tversky, 1949.
- Naor, Mordechai. *Ha-Ramatkal ha-Rishon Ya'akov Dori*. Ben Shemen: Modan, 2011.
- _____, ed., *Ish Tel Hai. Zalman Belahovsky: Parashat Tel-Hai le'ahar ke-Tishim Shanah. Mikra'ah Historit-Sifrutit*. Tel-Aviv: The Ben Zvi Institute, 2009.
- _____. *Laskov*. Tel-Aviv: The Ministry of Defense Press, 1989.
- _____, ed., *Yeme Homah u-Migdal, 1936-1939: Mekorot, Sikumim, Parshiyot Nivharot ve-Homer 'Ezer*. Jerusalem: Yad Yitzhak Ben Zvi, 1987.
- Naor, Mordechai, and Dan Giladi. *Eretz Israel in the 20th Century: From Yishuv to Statehood, 1900-1950*. Tel-Aviv: Ministry of Defense, 1990.
- Nathan, Tobie. *Who Killed Arlosoroff?* Tel-Aviv: Matar, 2013.
- Nedava, Joseph, ed. *Zvi Rosenblatt's Struggle for the Truth*. Tel-Aviv: Jabotinsky Institute in Israel, 1986.
- Neeman, Uri, and David Arbel. *Border Lines Choices*. Tel-Aviv: Yediot Ahronoth, 2011.
- Nitzanim. *Nitzanim Ba-Matzor uva-Ma'arakha: bi-mlot Shanah la-Ma'arakha*. Jerusalem :Ha-Shilo'ah, 1950.
- Offer, Zvi, and Avi Kober, eds. *Intelligence and National Security*. Tel-Aviv: The Ministry of Defense Press, 1987.
- Oren, Elhanan. *Toldot Milhemet Yom Ha-Kippurim*. Tel-Aviv: Israel Defense Forces History Department: 2004.
- Oren, Ram. *The Target Tel-Aviv*. Tel-Aviv: Keshet, 2004.
- Orenstein, Ya'akov. *Bi-Khevalim: Mi-Zikheronotav shel Lohem*. Tel-Aviv: Hug Yedidim, 1972.
- Ori, Orr. *These are My Brothers*. Tel-Aviv: Yediot Ahronoth, 2003.
- Ostfeld, Zahava. *An Army is Born: Main Stages in the Buildup of the Army under the*

- Leadership of David Ben-Gurion*. Tel-Aviv:Ministry of Defense, 1994.
- Peled, Benjamin. *Days of Reckoning*. Ben-Shemen: Modan, 2004.
- Porat, Dina. *Beyond the Reaches of Our Soul (Hamlet, I, IV, 55-56) The Life and Times of Abba Kovner*. Tel-Aviv: 'Am Oved, Yad Va-Shem, 2000.
- _____. *The Smoke-Scented Coffee: The Encounter of the Yishuv and Israeli Society with the ,Holocaust and its Survivors*. Tel-Aviv: 'Am 'Oved and Yad Vashem, 2011.
- Pundak, Yitzhak, et.al., *Givati Brigade—Battalion 53*. Tel-Aviv: Yaron Golan, 2006.
- _____. *Be-Aharit ha-Yamim: Miha-Yamim ha-hem la-Zeman ha-Ze (Mi-1933 le-2010)*. Private Publication, 2012.
- _____. *Hamesh Mesimot*. Tel-Aviv: Yaron Golan, 2000.
- Rein, Ariel. *Ha-Historiyon be-Vinuy ha-Umah:Tsmihato shel Ben-Zion Dinur u-Mif'alo ba-Yishuv (1884-1948.)* Ph.D Dissertation, The Hebrew University of Jerusalem 2000.
- Reznik, Nisan. *Budding from the Ashes: The Story of a Ha-Noar Ha-Zioni Youth in the Vilna Ghetto*. Jerusalem: Yad Vashem, 2003.
- Rivlin, Gershon, ed., *The Tel Hai Heritage*. Tel-Aviv: A. Mozes, 1948.
- Rolal, Menachem, et.al., *Yovel li-Kevutsat Masada be-Hityashvut Homah u-Migdal*. Tel-Aviv: Hidekel, 1988.
- Roni, Orna, and Sigal Lapidot Sigal, eds., *Pesifas ben Shishim: Shishah 'Asorim le-Masada 1937-1997*.Hatsor: Lahav, 1998.
- Rotenstreich, Nathan. *Gordoniyah: A Pioneering Youth Movement*. Huldah: Gordoniyah, 1982.
- Ruzensky, Ami. *Sipurei Rishonim: Vatikei Masada Mesaprim*. Masada: n.p., 1990.

- Sagi, Uri. *Lights within the Fog*. Tel-Aviv: Yediot Ahronoth, 1998.
- Sakal, Emanuel. *"The Regulars will Hold!": The Missed Opportunity to Prevail in the Defensive Campaign in Western Sinai in the Yom Kippur War*. Tel-Aviv: Ma'ariv, 2011.
- Sarid, Menachem. *Chosen to Govern: The Struggle for the Hegemony on the Yishuv and Zionism 1930-1935*. Hertseliyah: Oren, 2005.
- Schwarz I. T. *Milhemet ha-Shihrur shel 'Am Yisrael*. Jerusalem: Re'uven Mas, 1953.
- Schechtman, Joseph. *Rebel and Statesman: The Vladimir Jabotinsky Story*, Vol. II. Tel-Aviv: Karni Publishers, 1959.
- Schiff, Zeev, and Eitan Haber, eds. *Israel, Army and Defence: A Dictionary*. Tel-Aviv: Zmora, Bitan, Modan, 1976.
- Schiff, Zeev. *October Earthquake*. Tel-Aviv: Zemora Bitan, 1974.
- Segev, Tom. *The New Zionists*. Jerusalem: Keter, 2001.
- Sha'ar ha-Golan, Kibbutz *'al Shenei Gevulot*. Tel-Aviv: Neidet, 1962.
- Shaked, Michal. *Moshe Landau: Judge*. Tel-Aviv: Yediot Ahronoth, 2012.
- Shamir, Ilana, ed. *Yom ha-Zikaron 5737*. Bat-Yam: The Ministry of Defense Press, 1977.
- _____, ed. *Yom ha-Zikaron le-Halalei Tsahal 5736*. Bat-Yam: The Ministry of Defense Press, 1976.
- Shapira, Anita. *Land and Power: The Zionist Resort to Force, 1881-1948*. (Stanford CA: Stanford University Press, 1992.
- _____. *Jews, Zionists and in Between*. Tel-Aviv: 'Am 'Oved 2007.
- _____. *New Jews Old Jews*. Tel-Aviv: 'Am Oved, 1998.
- Shapira, Yonathan. *An Elite without Successors: Generations of Political Leaders in Israel*. Tel-Aviv: Sifriyat Poalim, 1984.

- Shapiro, Joseph. *Hayim Arlozorof*. Tel-Aviv: Am Oved, 1975.
- Shiran, Assnat. *Stronghold Settlements*. Savyon: The Ministry of Defence Press, 1998.
- Shtrasler, Nehemia. *Don't Let Them Fool You*. Or Yehuda: Kinneret, Zemora Bitan, Dvir, 2014.
- Sivan, Emmanuel. *The 1948 Generation: Myth, Profile and Memory*. Tel-Aviv: Ma'arakhot, 1991.
- Slutzki, Yehudah et. al. *From Resistance to War (Sefer ha-Haganah)*, Volume III, Parts II and III. Tel-Aviv: Am Oved, 1972-1973.
- Snir, Daphna, and Segev Motti. *Nitzanim—Sikum Hit'arvut Kehilatit 1983-1986*. Ramat Efal:Yad Tabenkin, 1988.
- Spector, Iftach. *Loud and Clear*. Tel-Aviv: Yediot Ahronoth, 2008.
- Sternhell, Zeev. *Nation and Building or a New Society? The Zionist Labor Movement (1904-1940) and the Origins of Israel*. Tel-Aviv: Am Oved, 1995.
- Tal, Israel. *National Security: The Few against the Many*. Tel-Aviv: Dvir, 1996.
- Talmi, Ephraim. *Ma u-Mi: Leksikon Milhemet ha-Atsma'u.t* Tel-Aviv: Davar, 1964.
- _____. *Who is Who in the Wars of Israel*. Tel-Aviv: Dvir, 1975.
- Tamir, Shmuel. *Son of This Land*. Tel-Aviv: Pesagot, 2002.
- Teveth, Shabtai. *Moshe Dayan: Biyographia*. Jerusalem: Schocken, 1973.
- _____. *Kin'at David: Haye David Ben-Gurion*, Four Volumes. Jerusalem and Tel-Aviv: Schocken, 1976-2005.
- _____. *Retsah Arlosoroff (The Arlosoroff Murder)*. Jerusalem and Tel-Aviv: Schocken, 1982.
- Tidhar, David. *Be-Shirut ha-Moledet (1912-1960):Zikhronot, Demuyot, Te'udot ve-Temunot*. Tel-Aviv: Yedidim, 1960-61.

- Tzahor, Zeev. *Hazan—Tenu'at Hayim: Ha-Ha-Shomer ha-Tsa'ir, ha-Kibbutz ha-'Artsi, Mapam*
 Jerusalem and Givat Chavivah: Yad Ya'ari and the Ben-Zvi Institute, 1997.
- Ufaz, Hayim, and Yaakov Bar-Siman-Tov, eds. *Milhemet Yom Ha-Kippurim—Mabat Mihadash*.
 Jerusalem: The Hebrew University of Jerusalem, The Ministry of Education, Culture and
 Sports, 1999.
- Vanetik, Boaz, and Zaki Shalom. *The Yom Kippur War: The War That Could Have Been
 Prevented*. Tel-Aviv: Resling, 2012.
- Weitz, Yechaim. *Between Ze'ev Jabotinsky and Menachem Begin: Essays on the Revisionist
 Movement*. Jerusalem: Magnes, 2012.
- _____. *The Man Who Was Murdered Twice*. Jerusalem: Keter, 1995.
- Yehezkeili, Pinhas, ed. *The Yom Kippur War and its Lessons*. Tel-Aviv: The Ministry of Defense
 Press, 2005.
- Zaks, Eliezer. *100 Years of Kibbutz—The Story of the Kibbutz Movement*. Tel-Aviv:
 Cordioneta, 2010.
- Zamir, Zvi. *With Open Eyes*. Or Yehuda: Kinneret Zmora-Bitan Dvir, 2011.
- Zand, Shlomo. *The Invention of the Land of Israel*. London, Brooklyn, NY: Verso, 2012.
- Ze'evi Farkash, Aharon, and Dov Tamari. *To the Best of our Knowledge*. Tel-Aviv: Yediot
 Ahronoth, 2011.
- Ze'evi, Aharon. *Ha-Ona'ah ha-Mitsrit be-Tokhnit Milhemet Yom ha-Kippurim*. Masters
 Dissertation, Tel-Aviv University, 1980.
- Zeira, Eli. *Myth versus Reality*. Tel-Aviv: Yediot Ahronoth, 2004.
- _____. *The October 73 War: Myth Against Reality*. Tel-Aviv: Yediot Ahronoth, 1993.
- Zuckerman, Moshe. *Shoah in the Sealed Room: The "Holocaust" in Israeli Press during the*

Gulf War. Tel-Aviv: M. Zuckermann, 1993.

_____. *Leave my Holocaust Alone: The Impact of the Holocaust on Israeli Cinema and Society*. Jerusalem: Zemora Bitan, 2002.

Articles in Hebrew

Agin, Assaf. "Netisha—Parashat 'Amidatam u-Nefilatam shel Sha'ar ha-Golan u-Masada be-Milhemet ha- 'Atsma'ut – Mai 1948." In *Homat Magen: Shemonim Shanah le-Irgun ha-Haganah: Alei Zayit va-Herev 4*, ed., Dani Harrari, 205-261. Tel-Aviv: The Ministry of Defense Press, 2002.

Avidan, Shimon. "Tafkid Nitzanim ba-Ma'arakha," *Nitzanim* (1962): 35-37.

Avigur, Shaul. "'Im Yehuda Arazi." *Molad* 22: 193-19 (October 1964): 394-414.

Barak, Aharon. "'Al Mishpat Shiput ve-Emet." *Mishpatim* 27:11 (1996): 11-16.

Bar-Joseph, Uri. "Hi Haf'alat 'Emtsa'e ha-Isuf ha-Meyuhadim" vaha-Keshel ha-Modi'inin be-Milhemet Yom ha-Kippurim—Mabat Hadash." *Ma'arakhot* 448 (2013): 46-53.

_____. "The Historiography about the Yom Kippur War: A Forty Years' Perspective and a New Discussion." *Iyunim* 23 (2013): 1-33.

Cohen, Haim. "Din Emet la-Amito." In *Gevurot Le-shimon Agranat*, eds., Aharon Barak et al., 35-87. Jerusalem: Hamol, 1987.

Cohen-Levinovsky, Nurit. "Evacuation of Non-Belligerents: A Comparative Study of Three Kibbutzim." In *Citizens at War: Studies on the Civilian Society during the Israeli War of Independence*, eds., Mordechai Bar-On and Meir Chazan, 259-299. Jerusalem: The Galili Center of Defense Studies, 2006.

Dayan, Moshe. "Sar ha-Bitahon Moshe Dayan 'al Milhemet Yom-ha-Kippurim." In *Tsahal be-*

- Helo*, Vol. 2, Ilan Kfir and Ya'akov Erez, eds., 116-119. Revivim Revivim: Ma'ariv, 1984.
- El-Nafuri, Amin. "Ha-Tsavah ha-Suri be-Milhemet 1948." *Ma'arkhot* 279-280 (1981): 30-32.
- Even, Shmuel. "Va'adot livdikat ha-Modi'in be-Yisrael: Madu'a Hamlatsotehen Hozrot 'al 'Atsman ve-enan Meyusamot." *Iyunim be-Modi'in* 1:1 (2007): 25-48.
- Feige, Michael. "Milhemet Yom ha-Kippurim ba-Zikaron ha-Yisraeli: Shever mul Hemshehiyut." In *National Trauma*, eds., Moshe Shemesh and Drori Ze'ev, 351-367. Sede Boker: Ben Gurion University Press, 2008.
- Gavison, Ruth. "'Al Perusho ha-Nakhon shel Se'if 15 le-Hok Va'adot Hakirah." *Mishpatim* 6:3 (1976) 548-562.
- Gavison, Ruth. *Contemplations on State Commissions of Inquiry and the Status of Israel's Arab Minority*. Tel-Aviv: Tel-Aviv University, 2010. The lecture is available online at: <http://www.metzilah.org.il/webfiles/fck/file/lecture2009.pdf>
- Ginat, Gidon. "Hit'arvut Bagats be-Diyune Va'adot Hakirah." *Ha-Peraklit* 3:30 (1976): 185-201.
- Golan, Arnon. "Jewish Refugees in Eretz Israel During the War of Independence." *Yahadut Zemanenu* 8 (1993): 217-241.
- Golani, Moti. "Mateh Mahos Yerushalayim ve-Gush Ezion be-Tashah." In *Gush Etzion Mi-Reshito Ve-'ad Tashah*, ed., Naor Arie, 181-192. Jerusalem: the Ben-Zvi Institute, 1985.
- Ha'am, Ahad, "'Avar ve-'Atid" (1891). Available online at <http://benyehuda.org/ginzberg/Gnz012.html>
- Holzman-Gazit, Yifat, and Ra'anana Sulitzeanu-Kenan. "Emet o Bikoret: Emun ha-tsibur be-

- Va'adat Hakirah ve-Shinui 'Amadot be-Yahas la-'Eru'a ha-Nehkar – Duah Va'adat Winograd ke-Mikreh Bohan.*” *Mishpat 'u-Mimshal* 13 (2011): 225-270.
- Israeli Defence Forces. *Ma'arakhat Emek ha-Yarden'* [The Jordan Valley Campaign]. *Maarakhot* 51 (July 1948): 21-28.
- Kasher, Asa. “*Ben Siman She'elah le-Siman Keriaha.*” *Zemanim* 9 (1982): 15-19.
- Kolat, Yisrael. “*Al ha-Mehkar ve-hahoker shel Toldot ha-Yishuv ve-Hatsiyonut.*” *Qatedrah be-Toldot Erets-Yisrael* 1 (1976): 3-35.
- Levitan, Dov, “*'Aliyat Yehude Teman le-Yisrael – Hageshamat Halom o Shever Hevratu? Ha Mikereh shel Yalde Teman ha-Ne'edarim,*” in *Ben Masoret le-Hidush: Mehekarim be-Yahadut, Tsiyonut u-Medinat Yisrael*. Don Yehiya, Eliezer ed., 377-403. Ramat Gan: Bar-Ilan University, 2005.
- Lieblich, Yisrael. “*Va'adat Hakirah min ha-Ebet ha-Psihologi o—ha-Dalut she-baretrospektivah.*” *Hapraklit* 37:3 (1987), 417-423.
- Maoz, Asher. “*Shiput History—Mishpat Kasztner u-Va'adat ha-Hakirah be-'Inyan Retsah Arlosoroff.*” In *Historiyah u-Mishpat*, eds., Daniel Gutwein and Menachem Mautner, 441-471. Jerusalem: The Zalman Shazar Center for Jewish History, 1999.
- Michelsohn, Benny. *Du'ah Va'adat Agranat, ha-Pirsum la-Tsibur*. (July 2007) (To be published).
- Molchadsky, Nadav G. “The Agranat Commission Report and the Making of Israeli Memory of the Yom Kippur War.” *Iyunim Bitkumat Israel* 23 (2013): 34-64.
- Naor, Moshe. “The Home Front and the Mobilization in the 1948 War.” *Israel* 4 (2003): 39-57.
- Ne'eman, Shlomo. “*Parashat Hayim Arlosoroff ke-Mashal o Ormat ha-Historiyah.*” *Zemanim* 9

- (1982): 5-14.
- Nedava, Yosef. "*Historiyah be-Re'yi Akum.*" In *Between the Visions*, ed., Yosef Nedava, 290-305. Jerusalem: Raphael Chaim Cohen, 1989.
- Peled, Matityahu. "*Ketsad Hitkonehah Israel le-Milhemet Yom ha-Kippurim ve-Ketsad Nihalah Otah.*" In *The Big Powers and the October 1973 War*, ed., Gabriel Sheffer, 29-41. Jerusalem: Van Leer Institute, 1975.
- Roniger, Luis, and Michael Feige. "*Tarbut ha-Frayer ve-ha-Zehut ha-Yisraelit.*" *Alpyaim* 7 (1993): 118-136.
- Roniger, Luis. "*Ha-individualism Bekerev ha-tsibur ha- Yéudi be-Ertz Yisraél Bishenot ha-tishim.*" In *Ben ha-Ani la-Anakhnu: Havnayot Zehuyot ve-Zehut Yisraelit*, ed., Bisharah 'Azmi, 109-128. Jerusalem: The Van Leer Institute, 1999.
- Sadan, Dov. "*Dov Sadan Me'id bi-Khetav 'al Haputo shel Abba Achimeir be-Farashat Retsah Arlosoroff.*" *Prozah* 73-74 (1984): 26-28.
- Salzmann, Nina. "*Emet 'Uvdadit ve-Emet Mishpatit—Meni'at Meida mi-Veit ha-Mishpat leshem Haganah 'al 'Arakhim Hevratyim.*" *Iyune Mishpat* 24 (2001): 263-279.
- Sarid, Menachem. "*Ha-Va'adah' shel Mapai ve-Takhsiseyah ba-Hakiraht Retsah Arlosoroff.*" *Ha-Umah* 152 (2003): 55-69.
- Sarid, Menachem. "*Mif'al Hantsahat Arlosoroff: Le'an Halkhu Kaspe Ha-Terumot.*" *Ha-Umah* 148 (2002): 78-89.
- Segal, Zeev. "*Va'adat Hakirah mi-Koah Hok Va'adot Hakirah, 5729-1968: Ma'amadan ha-Konstitutsiyoni u-Mivham ha-Legitimiyut li-Fe'ulatahm.*" *Mehkare Mishpat* 3 (1984), 199-246.
- Segev, Tom. "*Giborim Metim einam Metim.*" *Koteret Rashit* 56 (December 28, 1983):

22-24.

Shaked, Michal. "Ha-Historiyah be-Vet ha-Mishpat u-Vet ha-Mishpat ba-Historiyah: Piske ha-Din be-Mishpat Kasztner voha-Nerativim shel ha-Zikaron." *Alpayim* 20 (2000): 36-80.

Shapira, Anita. "Ha'shoah: Zikaron Perati ve-Zikaron Tsiburi." In *New Jews Old Jews*, ed., Anita Shapira, 86-104. Tel-Aviv: 'Am Oved, Afikim, 1997.

_____. "Ha-Historiografiyah shel ha-Tsiyonot u-Medinat Yisrael be-Shishim Shenot Medinah." *Zion* 79 (2009): 287-309.

_____. "Ha-Viku'ah Be-tokh Mapai 'al ha-Shimush be-Alimut, 1932-1935." *Ha-Tsiyonut* 5 (1978): 141-175.

Shenhav, Yehouda A., and Nadav Gabay. "Managing Political Conflicts: The Sociology of State Commissions of Inquiry in Israel." *Israel Studies* 6:1 (Spring 2001), 126-156.

Shitrit, Shimon. "Va'adat ha-Hakira—Milhemet Yom ha-Kippurim: Ha-Ma'azan ha-Kolel le-Khaf Zekhut," *Mishpatim* 8:6 (1977): 74-90.

Stern, Menachem. "Hitabedutam shel Elazar Ben Yair ve-Anashav Bi-Metsadah voha-Filosofiyah ha-Revi'it." *Tsiyon* 47:4 (1982): 367-398.

Tal, David. "The Evacuation of Non-Belligerents from the Border Areas in the Israeli War of Independence." *Israel* 4(2003): 61-81.

Tsahor, Ze'ev. "Historiyah ben Politika la-Akademyah." In *Ben Hazon le-Revizyah: Me'ah Shenot Historiyografiyah Tsiyonit*, ed., Yechiam Weitz, 209-219. Jerusalem: The Zalman Shazar Center for Jewish History, 1997.

_____. "Toldot Medinat Yisra'el: Akademiya ve-Politika." *Katedrah* 100 (2001): 378-394.

_____. "Me'ever le-Dimdumei ha-Ethosim ha-Meyasedim." In *Thirty Years Later*, ed. Kurz Anat, 99-106. Tel-Aviv: Jaffe Center for Strategic Studies, 2004.

Weitz, Yechiam. "Kets ha-reshit – Levirur ha-Musag Reshit ha-Medinah." In *From Vision to Revision: A Hundred Years of Historiography of Zionism*, ed., Yechiam Weitz, 235-257. Jerusalem: The Zalman Shazar Center, 1997.

_____. "Shetei ha-Neshamot: Menachem Begin ke-Rosh ha-Memshalah (1977-1983)." In *From Altalenah to the Present Day: The History of a Political Movement— From Herut to Likud*, ed., Abraham Diskin, 194-227. Jerusalem: Carmel and the Menachem Begin Heritage Center, 2011.

Ya'ari, Moshe. "Be-Shirut Ma'alile ha-Dam: Teshuvah le-Shabtai Teveth." *Be-Eretz Yisrael* 125 (1982): 8-10.

Zamir, Yitzhak. "Va'adat ha-Hakirah min ha-Behinah ha-Mishpatit," *Ha-Peraklit* 35:3 (1983), 323-332.

Books in English

Alexander, Jeffery C., *Trauma: A Social Theory*. Malden: Polity Press, 2012.

Almog, Oz. *The Sabra: The Creation of the New Jew*. Berkeley: University of California Press, 2000.

Anderson, Benedict. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. London: Verso, 1991.

Appleby, Joyce, Lynn Hunt, and Margaret Jacob. *Telling the Truth about History*. New York and London: W. W. Norton & Company, 1994.

Avineri, Shlomo. *Arlosoroff*. London: P. Halban, 1989.

Band, Arnold J. *Studies in Modern Jewish Literature*. Philadelphia: Jewish Publication Society 2003.

- Bauer, Yehuda. *Jews for Sale? Jewish Negotiations, 1933-1945*. New Haven: Yale University Press, 1994.
- Benbassa, Esther. *Suffering as Identity: the Jewish Paradigm*. London: Verso, 2010.
- Ben-Eliezer, Uri. *The Making of Israeli Militarism*. Bloomington and Indianapolis: Indiana University Press, 1998.
- Ben-Yehuda, Nachman. *Sacrificing Truth: Archaeology and the Myth of Masada*. Amherst, NY: Humanity Books, 2002.
- Bhabha, Homi K., ed. *Nation and Narration*. London and New York: Routledge, 1990.
- Biale, David. *Power & Powerlessness in Jewish History*. New York: Schocken Books, 1986.
- Bodnar, John E. *Remaking America: Public Memory, Commemoration and Patriotism in the Twentieth Century*. Princeton NJ: Princeton University Press, 1993.
- Borchardt, D. H., *Commissions of Inquiry in Australia: A Brief Survey*. Melbourne: LaTrobe University Press, 1991.
- Broadhurst, Joseph. *From Vine Street to Jerusalem*. London: Stanley Paul, 1936.
- Burrow, J. W. *Victorian Historians and the English Past*. Cambridge and New York: University of Cambridge Press, 1981.
- Butterfield, Herbert. *The Whig Interpretation of History*. London, G. Bell and Sons, 1931.
- Byrens, Giselle. *Waitangi Tribunal and New Zealand History*. South Melbourne and New York: Oxford University Press, 2004.
- Carr, Edward H. *What is History?* New York: Vintage Books, 1961.
- Churchill, Winston. *The Second World War, Vol. I*. Cambridge MA: The Riverside Press, 1948.
- Cohen, Stuart A. *Studying the Israel Defense Forces: A Changing Contract with Israeli Society*.

- (Ramat Gan: Bar Ilan University, 1995).
- _____. *The New Citizen Armies: Israel's Armed Forces in Comparative Perspective*. London and New York: Routledge, 2010.
- Connerton, Paul. *How Societies Remember*. Cambridge and New York: Cambridge University Press, 1989.
- Eban, Abba. *Autobiography*. New York: Random House, 1977.
- _____. *Personal Witness*. New York: Putnam's Sons, 1992.
- Edy, Jill A. *Troubled Pasts: News and the Collective Memory of Social Unrest*. Philadelphia: Temple University Press, 2006.
- El Shazly, Saad. *The Crossing of the Suez*. San Francisco: American Mideast Research, 2003.
- Eyerman, Ron. *Cultural Trauma: Slavery and the Formation of African American Identity*. Cambridge, Cambridge University Press, 2001).
- Fine, Gary Alan. *Difficult Reputations: Collective Memories of the Evil, Inept, and Controversial*. Chicago and London: The University of Chicago Press, 2001.
- Fromm, Bella. *Blood and Banquets: A Berlin Social Diary*. London: Geoffrey Bless, 1942.
- Gabay, Nadav. *The Political Origins of Social Science: The Cultural Transformation of the British Parliament and the Emergence of Scientific Policymaking, 1803-1857*. PhD Dissertation, University of California, San Diego 2007.
- Gellner, Ernest. *Nation and Nationalism*. Ithaca, New York: Cornell University Press, 1983.
- Ginzburg, Carlo. *The Judge and the Historian*. London and New York: Verso, 1999.
- Gladwell, Malcolm. *What The Dog Saw and other Adventures*. New York: Little, Brown and Co. 2009.

Halbwachs, Maurice. *On Collective Memory*, translated and edited by L. A. Coser. Chicago: Chicago University Press 1992 [1925].

Harel-Shalev, Ayelet. *The Challenge of Sustaining Democracy in Deeply Divided Societies: Citizenship, Rights, and Ethnic Conflicts in India and Israel*. Lanham, Md.: Lexington Books, 2010.

Hayner, Priscilla B. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. New York and London: Routledge, 2011.

Hecht, Ben. *Perfidy*. New York: Messner, 1961.

Himmelfarb, Gertrude. *The New History and the Old*. Cambridge MA: The Belknap Press of Harvard University Press, 1987.

Hobsbawm, Eric J., and Terence Ranger Terence, eds. *The Invention of Tradition*. New York: Cambridge University Press, 1992.

Huntington, Samuel. *Clash of Civilizations and the Remaking of World Order*. New York: Simon & Schuster, 1996.

Jauss, Hans Robert, *Toward an Aesthetic of Reception*, Trans. by Bahti Timothy, Introduction by de Man, Paul. Minneapolis: University of Minnesota Press, 1982.

Kahneman, Daniel. *Thinking, Fast and Slow*. New York: Straus and Giroux, 2011.

Karamanski, Theodore J., ed. *Ethics and Public History: An Anthology*. Malabar, FL: Robert E. Krieger Publishing Company, 1990.

Katz, Shmuel. *Lone Wolf: A Biography of Vladimir (Ze'ev) Jabotinsky*. New York: Barricade Books Inc., 1996.

- Kimmerling, Baruch. *The Invention and Decline of Israeliness: State, Society and the Military*. Berkeley, Los Angeles, London: University of California Press, 2001.
- Kitts, Kenneth. *Presidential Commissions & National Security: The Politics of Damage Control*. Boulder, CO: Lynne Rienner Publishers, 2006.
- Klabunde, Anja. *Magda Goebbels*. London: Little Brown, 2002.
- Lang Gladys Engel, and Lang Kurt. *Etched in Memory: The Building and Survival of Artistic Reputation*. Chapel Hill and London: The University of North Carolina Press, 1990.
- Lahav, Pnina. *Judgment in Jerusalem: Chief Justice Simon Agranat and the Zionist Century*. Berkeley and London: University of California Press, 1997.
- Leikin, Azekiel, ed. *Beilis Transcripts: The Anti-Semitic Trial that Shook the World*. Northvale NJ: Jason Aronson, 1993.
- Levi, Yagil. *Israel's Death Hierarchy: Casualty Aversion in a Militarized Democracy*. New York and London: New York University Press, 2012.
- Likhovski, Assaf. *Law and Identity in Mandate Palestine*. Chapel Hill: The University of North Carolina Press, 2005.
- Linenthal, Edward T. *Preserving Memory: The Struggle to Create America's Holocaust Museum*. New York: Penguin Group, 1995.
- Maman, Daniel, Eyal Ben-Ari, and Zeev Rosenhek Zeev, eds. *Military, State, and Society in Israel*. New Brunswick and London: Transaction Publishers, 2001.
- McKnight, Gerald. *Breach of Trust: How the Warren Commission Failed the Nation and Why*. Lawrence, KS: University Press of Kansas, 2005.

- Meir, Golda. *My Life*. London: G. P. Putnam's Sons, 1975.
- Mendels, Doron. *Memory in Jewish, Pagan and Christian Societies of the Graeco-Roman World: Fragmented Memory—Comprehensive Memory—Collective Memory*. London and New York: T & T Clark International, 2004.
- Meyer, Michael A. *The Origins of the Modern Jew: Jewish Identity and European Culture in Germany, 1749-1824*. Detroit: Wayne State University Press, 1967.
- Mintz, Alan. *Hurban: Responses to Catastrophe in Hebrew Literature*. New York: Columbia University Press, 1984.
- Morris, Benny. *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001*. New York: Vintage Books, 2001.
- _____. *1948: A History of the First Arab-Israeli War*. New Haven: Yale University Press, 2008.
- Moynihan, Daniel P. *Secrecy: The American Experience*. New Haven: Yale University Press, 1998.
- Myers, David N. *Re-Inventing the Jewish Past: European Jewish Intellectuals and the Zionist Return to History*. New York and Oxford: Oxford University Press, 1995.
- Neal, Arthur G. *National Trauma and Collective Memory: Major Events in the American Century*. Armonk NY: M. E. Sharpe, 1998.
- Neumann, Boaz. *Land and Desire in Early Zionism*. Waltham, MA: Brandeis University Press, 2011.
- Olick Jeffrey K., Vinitzky-Seroussi Vered, Levy Daniel, eds. *The Collective Memory Reader*.

- Oxford and New York: Oxford University Press, 2011.
- Oz, Amos. *A Tale of Love and Darkness*. London: Chatto & Windus, 2004.
- Olick Jeffrey K., Vinitzky-Seroussi Vered, Levy Daniel, eds., *The Collective Memory Reader*. Oxford and New York: Oxford University Press, 2011.
- Peachment, Allen, ed. *Years of Scandal: Commissions of Inquiry in Western Australia 1991-2004*. Crawley, W.A.: University of Western Australia Press, 2006.
- Penslar, Derek J. *Israel in History: The Jewish State in Comparative Perspective*. New York and London: Routledge 2007.
- _____. *Jews and the Military: A History*. Princeton: Princeton University Press, 2013.
- Reynolds, David. *In Command of History: Churchill Fighting and Writing the Second World War*. London: Random House, 2005.
- Rhodes, Gerald. *Committees of Inquiry*. Great Britain: Ruskin House, 1975.
- Roskies, David G., ed. *The Literature of Destruction: Jewish Responses to Catastrophe*. Philadelphia: Jewish Publication Society, 1988.
- _____. *Against the Apocalypse: Responses to Catastrophe in Modern Jewish Culture*. Syracuse N.Y: Syracuse University Press, 1999.
- Rousso, Henry. *The Haunting Past: History, Memory, and Justice in Contemporary France*. With a Preface by Philippe Petit; Translated by Ralph Schoolcraft, Foreword to the English-Language Edition by Ora Avni. Philadelphia: University of Pennsylvania Press, 1998.
- Salmon, Cyril. *Tribunals of Inquiry*. Jerusalem: The Magnes Press: 1967.

- Samuel, Edwin. *A Cottage in Galilee*. London: Vallentine Mitchell, 1957.
- _____. *A Lifetime in Jerusalem: The Memoirs of the Second Viscount Samuel*. London: Vallentine Mitchell, 1970.
- Samuel, Horace, B. *Who Killed Arlosoroff: A Record of Crime in the Mandated Territory of Palestine*. NP: np, 1934.
- Sarat Austin, Davidovitch Nadav, and Alberstin Michal, eds. *Trauma and Memory: Reading, Healing and Making Law*. Stanford, CA: Stanford University Press, 2007.
- Sarat Austin and Kearns Thomas R., eds. *History, Memory and the Law: The Amherst Series in Law, Jurisprudence, and Social Thought*. Michigan: The University of Michigan Press, 2002.
- Schorsch, Ismar. *From Text to Context: The Turn to History in Modern Judaism*. Hanover and London: University Press of New England, 1994.
- Schudson, Michael. *Watergate in American Memory: How We Remember, Forget, and Reconstruct the Past*. New York: Basic Books, 1992.
- Segev, Tom. *The Seventh Million: The Israelis and the Holocaust*. New York: Hill and Wang, 1993.
- Shalev, Aryeh. *Israel's Intelligence Assessment before the Yom Kippur War: Disentangling Deception and Distraction*. Brighton and Portland: Sussex Academic Press, 2010.
- Shapira, Anita. *Berl: The Biography of a Socialist Zionist*. Cambridge: Cambridge University Press, 1984.

- Sheffer, Gabriel and Oren Barak, eds. *Militarism and Israeli Society*. Bloomington, IN: Indiana University Press, 2010.
- Shenon, Philip. *A Cruel and Shocking Act: The Secret History of the Kennedy Assassination*. New York: Henry Holt and Company, 2013.
- Shilon, Avi. *Menachem Begin: A Life*. New Haven: Yale University Press, 2012.
- Shlaim Avi. *The Iron Wall: Israel and the Arab World*. London and New York: Verso, 2000.
- Sigmund, Anna Maria. *Women of the Third Reich*. Canada: NDE Publishing, 2000.
- Silberman, Neil Asher. *A Prophet from Amongst You. The Life of Yigael Yadin: Soldier, Scholar and Mythmaker of Modern Israel*. Reading MA: Addison-Wesley, 1993.
- Teitl, Ruti G. *Transitional Justice*. Oxford and New York: Oxford University Press, 2000.
- Teveth, Shabtai. *Moshe Dayan*. London and Jerusalem: Steimatzky's Agency, Weidenfeld and Nicolson, 1972.
- _____. *The Tanks of Tamus*. New York: Viking Press, 1969.
- _____. *The Arlosoroff Murder Trial: Speeches and Relevant Documents*. Jerusalem: S. White & Co., 1934.
- Troen, Ilan. *Imagining Zion: Dreams, Designs, and Realities in a Century of Jewish Settlement*. New Haven: Yale University Press, 2003.
- Vinitzky-Seroussi, Vered. *Yitzhak Rabin's Assassination and the Dilemmas of Memory*. Albany: State University Press, 2009.
- Wald, Emanuel. *The Wald Report: The Decline of Israeli National Security Since 1967*. San Francisco and Oxford: Westview Press, Boulder, 1992.

- Ward, Alan. *An Unsettled History: Treaty Claims in New Zealand Today*. Wellington
 NZ: Bridget Williams Books, 1999.
- Wisse, Ruth R. *Jews and Power*. New York: Nextbook Schocken, 2007.
- Wheare, Kenneth Clinton. *Maladministration and its Remedies*. London: Stevens, 1973.
- White, Hayden. *Metahistory: The Historical Imagination in Nineteenth-Century Europe*.
 Baltimore: Johns Hopkins University Press, 1973.
- Wistrich, Robert, and David Ohana, eds. *The Shaping of Israeli Identity: Myth, Memory
 and Trauma*. London: Frank Cass, 1995.
- Yerushalmi, Yosef Hayim. *Zakhor: Jewish History and Jewish Memory*. Seattle and London:
 University of Washington Press, 1989.
- Zertal, Idith. *Israel's Holocaust and the Politics of Nationhood*. Trans. by Galai Chaya.
 Cambridge: Cambridge University Press, 2005.
- Zerubavel, Yael. *Recovered Roots: Collective Memory and the Making of Israeli National
 Tradition*. Chicago: The University of Chicago Press, 1995.
- Zurbuchen, Mary S. ed. *Beginning to Remember: The Past in the Indonesian Present*. Seattle:
 University of Washington Press, 2005.

Articles in English

- Barak-Erez, Daphna. "Collective Memory and Judicial Legitimacy: the Historical Narrative of
 the Israeli Supreme Court." *Canadian Journal of Law and Society* 16 (2001): 93-112.
- Baron, Salo W. "Ghetto and Emancipation." *Menorah* 14:6 (1928): 515-526.
- Ben-Ari, Eyal. "Epilogue: A "Good" Military Death." *Armed Forces & Society* 34: 4 (Summer
 2005): 651-664.

- Bilsky, Leora. "Judging Evil in the Trial of Kasztner." *Law and History Review* 19 (Spring 2001): 117-160.
- Bilu, Yoram, and Eliezer Witztum. "War Related Loss and Suffering in Israeli Society: An Historical Perspective." *Israel Studies* 5: 2 (Fall 2000): 1-31.
- Cohen Stuart A. "Towards a New Portrait of the (New) Israeli Soldier." Reprinted from *Israel Affairs* 3 (Spring/Summer 1997): 77-117.
- Davison, Grame. "Paradigms of Public History." In *Packaging the Past? Public Histories*, eds., John Rickard and Peter Spearritt, 4-15. Melbourne: Melbourne University Press, 1991.
- Elliot, Dominic, and Martina McGuiness. "Public Inquiry: Panacea or Placebo?" *Journal of Contingencies and Crisis Management* 10:1 (March 2002): 14-25.
- Funkenstein, Amos. "Collective Memory and Historical Consciousness." *History and Memory* 1:1 (Spring/Summer 1989): 5-26.
- Gelber, Yoav. "The Collapse of the Israeli Intelligence's Conception." *Intelligence and National Security* (2012): 1-27.
- Kelly, Robert. "Public History, Its Origins, Nature and Prospects." In *Public History Readings*, eds., Phyllis Leffler and Joseph Brent, 111-120. Florida: Kreiger, Malagar, 1992.
- Kimmerling, Baruch. "Patterns of Militarism in Israel." *European Journal of Sociology* 34(1993): 196-223.
- _____. "State Building, State Autonomy and the Identity of Society: The Case of the Israeli State." *Journal of Historical Sociology* 6: 4 (December 1993): 396-409.

- Kremnitzer, Mordechai. "The Landau Commission Report – Was the Security Service Subordinated to the Law, or the Law to the "Needs" of the Security Services?," *Israel Law Review* 23 (1989), 216-279.
- Law Reform Commission of Canada, *Administrative Law—Commission of Inquiry*, Working Paper 17 (1977), 1-32.
- Le Dain, Gerald E. "The Role of the Public Inquiry in our Constitutional System." In *Law and Social Change*, ed. Jacob S. Ziegel, 79-101. Toronto: Osgoode Hall Law School, York University, 1973.
- Lebel, Udi. "Civil Society Versus Military Sovereignty: Cultural, Political, and Operational Aspects." *Armed Forces & Society* 34:1 (October 2007): 67-89.
- Lieblich, Amia. "The Second Generation of Kfar-Etzion: A Study of Collective Memory." In *On Memory: An Interdisciplinary Approach*, ed., Doron Mendels. Bern: Peter Lang, 2007, 213-230.
- Liebman, Charles S. "The Myth of Defeat: The Yom Kippur War in Israeli Society." *Middle Eastern Studies* 29:3 (1993): 399-418.
- Maoz, Asher. "Historical Adjudication: Courts of Law, Commissions of Inquiry, and 'Historical Truth.'" *Law and History Review* 18:3 (Autumn 2000): 559-600.
- Myers, David N. "'Mehabevin et ha-tsarot:' Crusade Memories and Modern Jewish Martyrology." *Jewish History* 13:2 (Fall 1999): 49-64.
- _____. "Between Diaspora and Zion: History, Memory, and the Jerusalem Scholars." In *The Jewish Past Revisited: Reflections on Modern Jewish Historians*, eds., Myers and David B. Ruderman, 88-103. New Haven & London: Yale University Press, 1998.

- _____. "Remembering Zakhor: A Super-Commentary." *History and Memory* 4:2 (Fall-Winter 1992): 129-148.
- _____. "Was There a "Jerusalem School?" An Inquiry into the First Generation of Historical Researches at the Hebrew University." *Studies in Contemporary Jewry* 10 (1994): 66-92.
- Neiger, Motti, Oren Meyers, and Eyal Zandberg, eds. "Editors' introduction." In *On Media Memory: Collective Memory in a New Media Age*, 1-24. New York: Palgrave Macmillan, 2011.
- Nets-Zehngut, Rafi. "Israeli Memory of the Palestinian Refugee Problem." *Peace Review: A Journal of Social Justice* 24:2 (2012): 187-189.
- _____. "The Passing of Time and the Collective Memory of Conflicts." *Peace and Change* 37:2 (2002): 253-25.
- Nora, Pierre. "Between Memory and History: *Les Lieux de Mémoire*." *Representations* 26 Special Issue: Memory and Counter-Memory (1989): 7-24.
- Rabel, Roberto. "War History as Public History: Past and Future." In *Going Public: The Changing Face of New Zealand History*, eds., Bronwyn Dalley and Jock Phillips, 65-. Auckland: Auckland University Press, 2001.
- Resta, Giorgio, and Vincenzo Zeno-Zencovich. "Judicial 'Truth' and Historical 'Truth': The Case of the Ardeatine Caves Massacre." *Law and History Review*, 31:3 (Nov. 2013): 843-886.
- Ruah-Midbar, Marianna and Klin-Oron, Adam. "Jew Age: Jewish Praxis in Israeli New Age Discourse." *Journal of Alternative Spiritualities and New Age Studies* 5 (2010): 33-63.
- Schabas, William A. "A synergistic Relationship: The Sierra Leone Truth and Reconciliation

- Commission and the Special Court For Sierra Leone.” *Criminal Law Forum* 15 (2004): 3-54.
- Schudson, Michael. “The Present in the Past versus the Past in the Present.” *Communications* 11:2 (1989): 105-113.
- Schuman Howard, Vinitzky-Seroussi Vered, and Vinkokur Amiram D., "Keeping the Past Alive: Memories of Israeli Jews at the Turn of the Millennium," *Sociological Forum* 18:1 (March 2003), 103-136.
- Sedley, Stephen. "Public Inquiries: A Cure or a Disease?" *The Modern Law Review*. 52:4 (Jul. 1989): 469-479.
- Shapira, Anita, "Hirbet Hizah: Between Remembrance and Forgetting," *Jewish Social Studies* 7:1 (Fall 2000) New Series, 1-62.
- Shpiro, Shlomo. “Commissions of Inquiry as Agents of Change in Israeli Intelligence Community.” In *Commissions of Inquiry and National Security*, eds. Stuart Farson and Mark Phythian, 158-178. Santa Barbara CA: Praeger, 2011.
- Simon, Jonathan. “Parrhesiastic Accountability: Investigatory Commissions and Executive Power in an Age of Terror.” *The Yale Law Journal* 114:6 (2005): 1419-1457.
- Sulitzeanu-Kenan, Ra’anan. “Reflection in the Shadow of Blame: When Do Politicians Appoint Commissions of Inquiry?” *British Journal of Political Science* 40:3 (2010): 613-634.
- _____. “If they get it Right: An Experimental Test of the Effects of the Appointment and Reports of UK Public Inquiries.” *Public Administration* 84:3 (2006): 623–653.
- Sulzner, George T. “The Policy Process and the Uses of National Governmental Study Commissions.” *The Western Political Quarterly*. 24:3 (Sep. 1971): 438-448.

- Weinberg, Robert E. "The Trial of Mendel Beilis: The Sources of 'Blood Libel' in Late Imperial Russia." In *Russia's Century of Revolutions: Parties, People, Places*, eds., Michael S. Melancon and Donald J. Raleigh, 17-36. Bloomington: Slavica, 2012.
- Wilson, Keith. "Governments, Historians, and 'Historical Engineering.'" In *Forging Collective Memory*, ed. Keith Wilson, 1-23. Providence RI.: Berghahn Books, 1996.
- Yerushalmi, Yosef Hayim. "Toward a History of Jewish Hope." In *The Faith of Fallen Jews: Yosef Hayim Yerushalmi and the Writing of Jewish History*, eds. Myers David N. and Kaye Alexander, 299-317. New England: Brandeis University Press, 2014.
- Zegart, Amy B. "Blue Ribbons, Black Boxes: Toward a Better Understanding of Presidential Commissions." *Presidential Studies Quarterly* 34:2 (2004): 366-393.
- Zola, Émile. "J'accuse." In *The Jew in the Modern World: A Documentary History*, Second edition, eds., Paul Mendes-Flohr and Jehuda Reinharz, 351-356. Oxford and New York: Oxford University Press, 1995.