

From “Missing” to “Kidnapped”

Israeli Commissions of Inquiry and the Framing of the “Missing Children Affair”

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ABSTRACT: The missing children affair—the mysterious disappearance of infants and young children, most of them of Yemenite background, in the early days of Israeli statehood—has attracted much public attention in recent decades. Between 1967 and 2001, the Israeli government established three commissions of inquiry that rejected the theory that the state itself administered the kidnapping of the children, but none of the commissions has been able to fully clarify the affair. This article surveys public awareness of the affair since the early 1950s—when public awareness of it was extremely low—to early 2018, when more than 80 percent of Israeli society believed the Israeli government to be responsible. The article analyzes why the commissions played a substantial role in shaping the public and scholarly discourse about it. Ironically, the commissions strengthened societal trust in the kidnapping allegation, which stands in contradiction of their own interpretation.

KEY WORDS: Yemenite children affair, commissions of inquiry, parrhesiastic accountability, lost generations, stolen babies, home children

Mass theft of babies, toddlers, and children—their forced disappearance, relocation, and adoption—took place in the twentieth century in various countries and under various circumstances. Whereas some cases were financially motivated, which categorizes them as human trafficking, others were more political by nature, with the compliance of governments and local churches. Child theft was practiced under dictatorships, where victims were political opponents, and democracies, where victims were ordinary citizens, usually of underprivileged communities. Examples include the “Stolen Generations” of Australia, residential schools for Aboriginal children in Canada, and some 130,000 British “Home Children” who were systematically deported to different parts of the British Commonwealth—especially to Australia, New Zealand, Canada, and the former Rhodesia. Although these three cases led to comprehensive national inquiries, including truth and reconciliation commissions, other cases, such as Spain’s “Stolen Babies,” whose abduction started in the days of Francisco Franco, or the

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baby-selling racket in Greece between the 1930s and 1970s, still await full clarification. Another country that continues to grapple with ongoing accusations that it kidnapped its own citizens is Israel.¹

According to claims that began to reverberate throughout the country from the mid-1960s, the Israeli government and a number of Jewish and Zionist organizations, including the Jewish Agency, WIZO, and Hadassah, were involved in the kidnapping of babies, toddlers, and children some two decades earlier (hereafter: “the kidnapping allegation”). It was claimed that Jewish children, mainly from Arab and Muslim countries, were torn from their families upon immigrating to Israel shortly after its establishment in 1948. They were then given or sold to childless Ashkenazi families—especially families of Holocaust survivors. Other children were allegedly sold for medical experiments in Israel and the United States. To hide the kidnappings from their biological families and from the Israeli public, a wide array of state authorities, including hospitals and *Hevrah Kadishah*,² issued false documents claiming the children died of natural causes and were buried in locations around the country. Later, the Israeli academy and media joined in the effort to hide the truth about the children. They did it either by raising doubts regarding the credibility of the kidnapping allegation or by ignoring the story. Since most of the children associated with the kidnapping allegation are of Yemenite descent, this phenomenon is popularly known in Israel as “The Yemenite Children Affair,” or “The Yemenite, Balkans, and Eastern Children Affair.” These titles allude to the ethnic dimension of the kidnapping allegation, and the fact that the affair is normally presented as a microcosm of a much larger topic, which is the social rupture between Ashkenazi and Mizrahi Jews in Israel.³

Between 1967 and 1995, the Israeli government established three different commissions of inquiry to investigate the children affair: 1) A joint commission of the Ministry of Justice and Ministry of Police (hereafter: “the Bahalul-Minkovsky Commission”),⁴ 2) A clarification commission that was established

1 About the Stolen Generations see, for example Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880–1940* (Lincoln: University of Nebraska Press, 2009). For an overview of Canadian residential schools from the early seventeenth century to the second half of the twentieth century, see J. R. Miller, *Shingwauk’s Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996). For details about the British Home Children see the website of the Child Migrant Trust, <https://www.childmigrantstrust.com/>. A succinct review about the truth commissions mentioned above is available in Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York, London: Routledge, 2012), 14–15, 72–73.

2 The term *Hevrah Kadisha* (“Holy Society”) denotes a Jewish organization that buries the bodies of deceased Jews according to Jewish tradition.

3 For background about Ashkenazi-Mizrahi relations in Israel see Sammy Smooha, “Jewish Ethnicity in Israel: Symbolic or Real?” in *Jews in Israel: Contemporary Social and Cultural Patterns*, ed. Uzi Rebhun and Chaim I. Waxman (Hanover: Brandeis University Press, 2004), 47–77. Since both Mizrahi and Ashkenazi children are associated with the “Yemenite Children affair,” I shall refer to it in this article as “the children affair,” or simply “the affair.”

4 The Bahalul-Minkovsky Commission was appointed by the Minister of Justice and Minister of Police on January 3, 1967. The chairs of the commission were Joseph Bahalul, who was the

according to article 28 of the Israeli Commissions of Inquiry Law, 1968 (hereafter: “the Shalgi Commission”),⁵ and 3) A state commission of inquiry that took almost seven years and was completed in November 2001 (hereafter: “the state commission of inquiry” or “the Cohen-Kedmi Commission”).⁶ These three commissions, both separately and together, dismissed the kidnapping allegation as false and invalid. The formal position of the state regarding the affair (hereafter: “the state narrative”) is based on the findings and conclusions of the Cohen-Kedmi Commission.

According to the state narrative, most of the children (88 percent) died of natural causes shortly after their birth, or just after their arrival in Israel with their families during the operation dubbed “On Eagle Wings.”⁷ The state commission of

general attorney of the Haifa district, and Major Ruben Minkovsky of the Israeli Police. See J. Bahalul and R. Minkovsky, *Din ve-Heshbon: Va'adat Hakirah le-Gilui Yaldei Teiman* (Petah Tikvah: The State of Israel, 1968).

5 Chaired by Judge Dr. Moshe Shalgi, the Shalgi Commission was established on September 18, 1988. See *Ha-Va'adah le-Virur Goral Yaldei Teiman ha-Ne'edarim, Du'ah ha-Ve'adah* (Jerusalem: The State of Israel, 1994), and hereafter: Shalgi Report.

6 The twenty-fifth government decided to establish The State Commission of Inquiry into the Disappearance of Yemenite Children between 1948 and 1954 on January 8, 1995. Upon its setup, the commission included Supreme Justice (Res.) Yehudah Cohen (Chair); General (Res.) David Maimon and Judge (Res.) Dalia Kovel. Justice Cohen had to retire from the commission due to failing health. He was replaced by Supreme Justice Ya'akov Kedmi on March 23, 1999 before the commission began to write its final report. Accordingly, I will call the commission “the Cohen-Kedmi Commission” or “the state commission of inquiry,” and its final report, “Kedmi.” See *Va'adat ha-Hakirah ha-Mamlakhtit be-Inyan Parashat He'almutam shel Yeladim mi-ben; 'Olei Teiman ba-Shanim 1948–1954, Din ve-Heshbon*, three volumes (Jerusalem: The State of Israel, 2001). Similarly to the reports by the Bahalul-Minkovsky Commission and the Shalgi Commission, the report by the Cohen-Kedmi Commission is also available online on the website of the Israeli Sates Archives (hereafter: ISA), <http://www.archives.gov.il/yco/>.

7 Operation “On Eagle Wings,” also known as “Operation Magic Carpet,” brought some fifty thousand Jews from Yemen to Israel between late 1948 and the fall of 1950. The operation was carried out during the “Great Aliyah” to Israel, when Israel’s Jewish population more than doubled in less than three years. For details about the operation in general, and particularly about the poor physical condition that characterized the immigrants from Yemen prior to and upon their arrival in Israel, see Dorit Weiss, “The Health Services in the Refugee Camps in Aden,” in *Military Medicine: Studies in Medical Issues of the Hagana and the IDF*, ed. Nir Man (Ben-Shemen: Modan Publishing House, 2018), 117–50 (Hebrew); Esther Meir-Glitzstein, *The Exodus of the Yemenite Jews: A Failed Operation and a Formative Myth* (Tel-Aviv: Resling, 2012, Hebrew); Tudor Parfitt, *The Road to Redemption: The Jews of the Yemen 1900–1950* (Leiden, New York: E. J. Brill, 1996). According to UN data, infant mortality in Yemen between 1950 and 1955 was 251.037 deaths per 1,000 live births, <http://data.un.org/Data.aspx?d=PopDiv&f=variableID:77>. Infant mortality in the Hashed/Gehulah Camp—the transit camp from which operation “On Eagle Wings” departed to Israel—in the heyday of the Operation “On Eagle Wings,” reached the level of 500–800 deaths per 1,000 babies (Weiss, “The Health Services,” 141). Infant mortality in Israeli immigrant camps in which immigrants (not just from Yemen) lived in upon their arrival in Israel was 157.8 per 1,000 live births. This level was at least three times higher than infant mortality among veteran Israeli society (Sachlav Stoler-Liss z”l, Shifra Shvarts and Mordechai Shani, *To Be a Healthy Nation: Massive Immigration and Public Health in Israel (1948–1960)* (Ben-Gurion University Press: Bialik Publishing) 30, 113 (Hebrew), <https://bit.ly/2JQ2xfe>. According to historians of Israeli medicine, morbidity among Jewish immigrants from Yemen who arrived in the country as part of operation “On Eagle Wings” was the worst among all immigrants who arrived in Israel during the days of the “Great Aliyah.” Accordingly, the Israeli

inquiry was able to confirm the death of 718 children, of whom 711 were buried in Israel and the rest in Hashed Camp. For various reasons detailed at length below, the parents of the children were informed about their death only after the event. In most cases, the parents neither saw the bodies of their children, nor attended their funerals, nor sat *Shivah*.⁸ The commission was able to trace only five children who were adopted in a period that preceded the Israeli adoption law.⁹ It was unable to clarify what happened to sixty-nine children whose fate remains a mystery. The state narrative, therefore, does not resolve the affair. In fact, it exacerbates the ongoing public controversy about it.

If there is something clear about the children affair, it is that almost every aspect associated with it is controversial. To date, neither the three commissions of inquiry nor anyone else—whether academics, independent scholars, journalists, or social activists—were able to fully answer fundamental questions associated with the affair. Such questions either have several answers, which contradict one another, or do not have a firm answer at all. How many children, for example, are involved in the affair? What happened to them? Were they kidnapped, did they die from natural causes, or were they adopted? Assuming that the children were indeed kidnapped as part of a formal Israeli policy, where are the “children” today and who are their adoptive parents? During which years was the would-be kidnapping policy enforced?¹⁰ Who designed it and why? What role did the state play in seeking to expose the affair, and what did it do, or what does it still do, to hide the truth from the families of the children, and from Israeli society more broadly?

establishment paid special attention to the medical needs of this population. In late 1949, infant mortality in the transit camp of *Rosh ha-Ayin*, for example—a transit camp that was predominantly populated by Yemenite Jews—decreased from 230 deaths per 1,000 births to 30 deaths per 1,000 births (*ibid*, chapter 3, especially pages 30–31, and 111–13.).

⁸ *Shivah* is the Jewish lamenting custom whereby first-degree family relatives mourn the dead for seven days after the funeral.

⁹ See the Israeli Adoption Law, 1960; Israeli Adoption Law, 1981; and Shneour Z. Cheshin, *Yaldei Imutsim* (Tel-Aviv: Masada, 1955).

¹⁰ Although the mandate of the Bahalul-Minkovsky Commission focused on the years 1949–51, the mandates of the two later commissions focused on the years 1948–54. According to a piece published in 1966, the affair actually took place between 1949 and 1953 [*Afikim* 11–12 (1966): 1]. According to Rabbi Uzi Meshulam, who pushed to establish the state commission of inquiry, children were kidnapped between 1948 and 1956 (Meshulam made his point in a 1994 interview, which was also broadcasted in a piece by journalist Shai Gal, “Tik Meshulam: Ha-Rav she-Hitbatser 52 Yamim,” *Friday Night News, Channel 2*, September 25, 2015). In 1996, Meshulam appealed to the Supreme Court to expand the period of investigation of the Cohen-Kedmi Commission to years that preceded 1948 and exceeded 1954 (High Court Jurisdiction 2579/96). The social activist Rafi Shubeli asserted that the affair reflects the attitude of the Zionist movement toward Mizrahi Jews since the nineteenth century. According to Shubeli, the affair began in the late 1920s or early 1930s and ended in the 1970s (Shubeli, “Ha-Reka ha-Histori le-Farashat Yaldei Teiman,” *Afikim* 138–39 (2013): 127, and compare to Shubeli, “Likrat Pirsum Du’ah Va’adat ha-Hakirah ha-Mamlakhtit le-’Inyan Yaldei Teiman,” *Afikim* 121–22 (2002): 10. According to the website of “*Amram Association—The Kidnapping of Yemenite, Balkan and Eastern Children*,” children were kidnapped between 1935 and 1978, <http://www.edut-amram.org/databases/years/>.

In the early 1980s, historian Tom Segev called the affair “the saddest chapter in the saga of mass immigration to Israel.”¹¹ More than three decades later—particularly in the current decade—the magnitude of the affair and the public and scholarly attention it receives in Israel has only increased. The affair fascinates ordinary citizens, social activists, and political leaders.¹² Besides receiving extensive media coverage, it has been artistically represented in novels, theater plays, a movie, documentaries, and art exhibitions.¹³ According to an empirical poll the Knesset Channel published in June 2016, 88 percent of the adult Jewish population in Israel have heard or read about it, and 82 percent believe that Yemenite children were indeed kidnapped in the 1950s and were given up for adoption.¹⁴ This data indicates that the level of public trust in the state narrative is low. The data also indicates that as time goes by, claims made by scholars and social activists in the 1990s and early 2000s that the Israeli media and political system have neglected the affair become less and less relevant.¹⁵

This article focuses on the performance of the three commissions of inquiry that investigated the children affair—especially the state commission of inquiry—in their capacity as agents of historical memory. The article seeks to demonstrate that although the commissions failed to transform the state narrative into an Israeli national metanarrative, that is to say, into a narrative accepted as reliable

11 Tom Segev, 1949: *The First Israelis* (New York, London: Free Press, Collier Macmillan, 1986), 192. In a column Segev published in 1999, he dismissed the kidnapping allegation as a fraudulent myth. See Segev, “Nitshonah shel ha-Tikvah,” *Haaretz*, Friday Section, July 16, 1999.

12 See for example, the website of association “Amram” (<http://www.edut-amram.org/about/>) and the website of “*Ahim ve-Kayamim*: Forum of Families of Kidnapped Children,” <https://www.facebook.com/AchimVekayamim/>. Since 2017 MK Nurit Koren (Likud) chairs the “Lobby for Investigating the Truth about the Kidnapped Yemenite Children.” For further details see the lobby’s official website, <http://main.knesset.gov.il/Activity/committees/MissingChildren/Pages/default.aspx>.

13 An early novel about the affair was published by Ruth Zucker, *Uri Tsafon u-Vo’i Teiman: Roman*, trans. Shimshon Meltzer (Jerusalem: Ahiasaf 1963). Later novels were published in recent years. See Ram Oren, *Ima* (Tel-Aviv: Keshet, 2014); Alex Paz-Goldman, *Ta’alumat ha-Einayim ha-Shehorot-Kehulut* (Tel-Aviv: Kinneret Zmora-Bitan, 2015); and Iris Eliya Cohen, *Galbi* (Tel-Aviv: Yedioth Ahronot Books and Chemed Books, 2016). The play by Yoav Levi, *Kidnapped: Family Drama, National Tragedy* was first staged in 2016. In 2017 the Jaffa Theater: A Stage of Arab-Hebrew Culture began to stage the play *Motherhood* (Yoldot). The movie *Kerem ha-Tikvah* (1997) is available online, <https://www.youtube.com/watch?v=4PoRpoMSEWE>. The exhibition *Temimei Teiman* by Amir Elkayam was presented in the Knesset in 2017. The exhibition “They Existed and Now they are Gone: The Disappearance Story of Yemenite Children” opened in February 2018 in the Yemenite Jewry Heritage Center & World Jewish Communities in the city of Rehovot.

14 The poll was taken between June 19 and 20, 2016 for the Knesset Channel. For further details see https://www.youtube.com/watch?v=Y4VW8cMNe_U.

15 For studies about the way the Israeli media covered the children affair in the past see Shoshana Madmoni-Gerber, *Israeli Media and the Framing of Internal Conflict: The Yemenite Babies Affair* (New York: Palgrave Macmillan, 2009); Oren Sofer, “Zikah ve-Rahak – be-Yahasei Merkaz-Periferiyah ba-Si’ah ha-’Itona’i—Parashat Yaldei Teiman,” *Kesher* 27 (2000), 68–78; Yael Tzadok, “Parashat Yaldei Teiman—Parashah Mushteket” in *Isha ba-Mizrah, Isha mi-Mizrah: Sipurah shel ha-Yehudiyah bat ha-Mizrah*, ed. Tova Cohen and Shaul Regev (Ramat Gan: Bar-Ilan University Press, 2005), 327–31; Shoshi Zaid, “‘Al Astrategiyat Ha’alamat ha-Meida be-Farashat Yaldei Teiman,” *Afikim* 138–39 (2013): 104–9; Shoshi Zaid, *Ha-Yeled ‘Adayin Enenu* (Israel: Media 10 Publishing Ltd., 2016), 180–90.

and authentic by the majority of Israeli society, the commissions did play a substantial role in shaping the Israeli historical discourse about the affair. They did so by forging the state narrative, by becoming a major reference point in that discourse, and by unintentionally strengthening societal trust in the kidnapping allegation, which stands in contradiction to their own historical reading.¹⁶ To make these points clearer, the article is constructed as follows. The first section focuses on the incubation of the affair between the early 1950s and the 2010s, and the unresolved question of the number of children involved. The second section explores the methodology the state commission of inquiry applied, as well as the epistemology of the state narrative, which is tautological by nature. Interestingly, according to the line of reasoning of the state commission of inquiry, its inability to fully clarify the fate of each and every child actually reinforces the “chaos theory” the commission suggested as an overall explanation to the affair. The third and final section of the article explores the commissions’ counter effect, that is to say, the major factors and circumstances that eventually led to a stronger public belief in the kidnapping allegation.

An Unclear Number that Gradually Increases

A major feature of the missing children affair and the public awareness of it, both within the Yemenite community and within Israeli society more broadly, is their incubation in a process that began in the early 1950s and continues in the 2010s. The commissions of inquiry that were established to investigate the affair took part in the process by confirming the disappearance of hundreds of children, whose accurate number, which increased from one investigation to the other, has remained unclear.

A preliminary step that led to the formation of the kidnapping allegation was an appeal by the Yemenite Association to the Minister of Police in April 1950. The appeal mentioned two “strange events” in which Yemenite children disappeared.¹⁷ Some three weeks later, the Yemenite Association reported to the minister that in immigrant homes in Rosh ha-’Ayin (a transit camp predominantly populated by Yemenite immigrants) “sick people disappear, perhaps they die and are buried, and no one knows when or where.”¹⁸ As historian Dov Levitan pointed out, it is clear that even at this early phase of the affair, organizations such as the Jewish

¹⁶ About commissions of inquiry as history writing bodies and potential agents of collective memory—especially in the wake of national tragedies and momentous events—see Nadav G. Molchadsky, “History in the Public Courtroom: Commissions of Inquiry and Struggles over the History and Memory of Israeli Traumas” (PhD diss., University of California, Los Angeles, 2015). Dominant as the three commissions of inquiry were in shaping the Israeli discourse about the affair, the commissions were not the only agents of memory that took part in the process. Additional agents that became dominant especially in recent years were, for example, the media and groups of social activists such as the *Amram* Association. This article addresses the work of such agents vis-à-vis the work of the commissions.

¹⁷ Segev, 1949, 191.

¹⁸ *Ibid.*, 192.

Agency, the Ministry of Health, and the Israeli Police were aware of the disappearance of children.¹⁹ Nevertheless, the number of missing children and the scope of the phenomenon was not known, as the disappearance of children continued to take place in later years. In November 1950, the subject was raised in the Knesset by KM Haim Cohen-Meguri (Herut) who argued that “until today families [of immigrants from Yemen] are looking for their children, alive or dead!”²⁰ Cohen-Meguri mentioned neither the number of children nor the number of families involved. His argument was immediately dismissed by MK Itzhak Ben-Aharon (Mapam) who insisted that “No one here kidnapped children!”²¹ That took the topic off the Knesset’s agenda for years, although the public awareness of the affair did continue to gain momentum, first and foremost within the Yemenite community.²²

In 1963, a small group of social activists among the Yemenite community set up an Action Committee that sought to collect information on the affair and raise awareness about it inside and outside of the Yemenite community. At the outset of its work, the Action Committee estimated the number of missing children to be about eighty. This number is inconsistent with figures mentioned in the following years by the committee itself and by the press, which gave the topic very little attention. In April 1966, for example, the daily newspaper *Ma’ariv* told its readers about twelve mothers who were looking for their children.²³ In June 1967, *Lamerhav* reported that “one hundred children were taken from their parents.”²⁴ The activity of the Action Committee led to the establishment of an additional voluntary group that called itself The Public Committee for Discovering the Missing Yemenite Children (hereafter: “the Public Committee”). This committee sought to accomplish three main goals. First, it hoped to convince members of the Knesset to establish a parliamentary commission of inquiry to delve into the affair—a hope that was never fulfilled. Second, it continued to collect evidence from family members about the disappearance of their children, and third, it sought to increase awareness of the Yemenite community about the disappearances. By this phase of the affair, the committee defined the children as “missing” rather than

19 Dov Levitan, “Parashat Yaldei Teiman ha-Ne’edarim: Ha’im Akhen Nehtefu ve-Umtsui Yaldei ‘Olei Teiman?” in *Benei Teiman: Mehkarim be-Yahadut Teiman u-Morashat*, ed. Aharon Gimani, Ratzon Arusi and Shaul Regev (Ramat Gan: Bar-Ilan University Press, Dahan Center, 2011), 254. Reports about missing children of the early 1950s are available, for example, at ISA-Courts-SupremeCourt-000kgs.

20 Israeli Knesset, *Divrei ha-Knesset* (Israel: The Knesset), November 20, 1950, 262–61. Unless otherwise mentioned, all translations in this article are mine.

21 Ibid, 262.

22 About the incubation of the children affair in its early phases see Levitan, “Parashat Yaldei Teiman,” 255–59 and *ibid*, “Aliyat Yehudei Teiman le-Yisrael—Hageshamat Halom o Shever Hevrat? Ha-Mikereh shel Yaldei Teiman ha-Ne’edarim,” in *Ben Masort le-Hidush: Mehkarim be-Yahadut, Tsiyonut u-Medinat Yisrael*, ed. Eliezer Don-Yehiya (Ramat Gan: Bar-Ilan University Press, 2005), 391–98.

23 Yosef Tzuriel, “12 Ima’ot Mehapsot et Yaldehen,” *Ma’ariv*, April 1, 1966, 8.

24 Quoted in Levitan, “Parashat Yaldei Teiman,” 256.

“kidnapped.”²⁵ One major means that the Public Committee used to publicize its activity was the journal *Afikim*, which focuses on Yemenite Jewish affairs and culture. In January 1966, *Afikim* informed its readers that the journal had evidence of more than one hundred boys and girls who disappeared between 1949 and 1953.²⁶ Some nine months later, the journal reported that the number of missing children was, in fact, higher than 215.²⁷

One factor that dramatically helped to increase the awareness of the affair within the Yemenite community were formal letters that different branches of the state—including the Israeli Military, Social Security, and the Central Elections Committee—began to send to the missing children toward the end of the 1960s (when many of them, if living, would be adults). The parents of the missing took these letters, reminding their children to vote and enlist, as a sign that they were still alive, in spite of their alleged death some two decades earlier. This was the background that led to the establishment of the Bahalul-Minkovsky Commission in 1967.

This commission reached the conclusion that out of the 342 cases it studied, 316 children were dead, and four children were alive (of which two children had been adopted). The commission was unable to resolve the mystery regarding twenty-two children who have remained missing. These figures are dramatically lower than the findings of the Shalgi Commission, which filed its final report in 1994. According to this commission it investigated 505 cases, of which 301 cases were new cases, that is to say, cases that the Bahalul-Minkovsky Commission had not investigated. The Shalgi Commission reached the conclusion that fourteen of the children disappeared in Aden/Hashed Camp (three of them died there and the fate of the other eleven remains unclear), and that 222 children died of natural causes (according to available documents, 171 of them were buried in Israel. As for the other fifty-one children there is no documentation). The Shalgi commission was also unable to explain what happened to the other sixty-five children, about whom no relevant information was found. These findings were anything but acceptable to the group called *Mishkan Ohalim* (Tent Encampment) and its leader, Rabbi Uzi Meshulam (1952–2013), who was of Yemenite background.

In March 1994, Meshulam and approximately one hundred of his disciples barricaded themselves inside the rabbi’s home in the city of Yahud. They demanded that the Israeli government establish a state commission of inquiry into the children affair. The group was armed and clashed with elite police forces that surrounded the house for about a month and a half. The siege ended only when the police broke into the compound, arrested the group, and killed one of the besieged who fired toward a police chopper. According to religious scholar

25 *Afikim* 15–16 (1966): 1.

26 *Afikim* 11–12 (1966): 1.

27 See above note 25.

Motti Inbari, Meshulam and his followers were members of a millennial group who felt attacked for their beliefs and their attempt to clarify the children affair.²⁸ Inbari asserts that the key for understanding the Yahud events centers on two main features of the ideology of Meshulam. The first feature was his anti-Zionist worldview, which he drew from the dualistic yet nonviolent Satmar Hasidic creed. This faith views Jews as either true or false and applies the Kabbalistic term *Erev Rav* (“mixed multitude” or “rabble”) to Jews who introduced innovations. Meshulam also adopted a nationalist worldview, which harbored strong feelings of ethnic antipathy toward Israel’s Ashkenazi establishment, that is to say, the same establishment that Meshulam identified as *Erev Rav* and responsible for the kidnapping of Yemenite and Mizrahi children. It was this element that enabled Meshulam to transform the nonviolent Satmar ideology into a violent clash with the police. Following the siege on his compound, Meshulam and some of his followers were put on trial and served time in jail. However, their demand to establish a state commission of inquiry was answered in 1995.

The number of cases the state commission of inquiry investigated was substantially higher than that of the Shalgi Commission. The State Commission of Inquiry focused on 800 cases according to the following breakdown: 745 children that had disappeared in Israel (339 cases were investigated by the two previous commissions and the other 406 cases were new ones), twenty babies who disappeared in the Hashed Camp in the Colony of Aden, and thirty-five adults who claimed that they were abducted from their biological families when they were children.²⁹ The commission reached the conclusion that out of the 745 missing children, 711 had died, the fate of thirty-three remained unclear, and one baby may have been found. The commission was unable to clarify what happened to thirteen children out of the twenty children who disappeared in Hashed. The names of the other seven children were found listed as deceased at the JDC Archives. One should note that adding to the said eight hundred cases, the commission chose to inquire into forty-three additional cases that the two previous commissions were unable to clarify.³⁰

According to the final report by the state commission of inquiry, the total number of cases all three commissions studied together was 1,053. Out of this number, 936 of the children died of natural causes, the fate of sixty-nine children has remained unclear, and five “children” were found as adults.³¹ These numbers are lower than various estimations that were voiced while the Cohen-Kedmi Commission was still undertaking its investigation, as well as from formal data

28 Motti Inbari, “Uzi Meshulam and the ‘Mishkan Ohalim’ Affair: The Influence of Radical Ultra-Orthodoxy,” *Israel Studies Review* 32 (Winter 2017): 21–42.

29 Kedmi, 293, 295, 326.

30 Ibid, 52, 152, 326.

31 For a succinct summary of the three inquiry reports see Kedmi, 71–72, 293, 295, 302, 326. Also see The Knesset Research and Information Center, “*Va’adat ha-Hakirah ha-Mamlakhtit le-’Inyan He’almam shel Yeladim mi-ben ‘Olei Teiman*” (2001), <http://www.knesset.gov.il/mmm/data/pdf/moo334.pdf>.

that the Israeli State Archives published in 2017.³² One lawyer, for example, who appeared before the commission estimated that the number of missing children was 1,500.³³ Meshulam and the *Mishkan Ohalim* association, however, insisted that the actual number of kidnapped children was 4,500.³⁴ This argument was never supported by a list of names or any other information about the supposedly kidnapped children. Meshulam also insisted that the affair should not be called “the Yemenite Children Affair,” but rather “the Yemenite, Balkans, and Eastern Children affair.” These titles address only Sephardi and Mizrahi children, that is to say, ignore the indeterminate number of Ashkenazi children who also disappeared during the same period. Put differently, these titles imply that Ashkenazi Jews who were identified with the Zionist and Israeli establishment victimized Mizrahi and Sephardi Jews. According to the Cohen-Kedmi Commission, some 58 percent of the cases it investigated involved children of Yemenite background, while at least 231 children were of other ethnic groups (*edot*), including thirty Ashkenazi children whose families were originally from Europe and North America.³⁵ In 2016, the daily newspaper *Haaretz* was able to collect evidence from some two hundred additional Ashkenazi families who claim that their children disappeared in the first years of the state, and that their cases were not included in any of the investigations by the commissions of inquiry.³⁶

We have seen, then, that the number of children associated with the affair—a number that remains unclear to this day—has increased over the years as demands were made to establish commissions of inquiry to clarify the fate of missing children, and with the actual inquiries the commissions undertook. A process that began in the early 1950s with complaints regarding the disappearance of a handful of children developed into allegations regarding the kidnapping of thousands of children. The commissions of inquiry, for their part, confirmed the disappearance of more and more children. As explained below, they also contributed to the process by the methodology they adopted, and the line of reasoning that stands at the basis of the narrative they forged.

32 Interestingly enough, according to the Israeli State Archives (<http://www.archives.gov.il/> ארכיון-ילדי-תימן-בפוסטרים) the commissions of inquiry deposited source material regarding 1,708 children, of which 1,351 were of Yemenite Background. This data leads to the conclusion that the commissions did not exhaust all the source material they were able to collect.

33 Rami Zuberi, *Be'ikevot Ahai ha-Ovedim* (RZ: Petah Tikvah, 2000), 305.

34 Shoshi Zaid, “Yahas ha-Mimsad le-Farashat Yaldei Teiman Bemeshekh Hamishim Shanah,” in *Benei Teiman*, ed. Gimani et. al, 299; Zaid, *Ha-Yeled 'Adayiin Enenu*, 29, 33.

35 This number does not include eighty-four missing children for which there is not enough information to determine whether they are of Yemenite background or another *edah* (Kedmi, 327).

36 See for example Ofer Aderet, “Tahkir ‘Ha-Aretz’: Asrot Tinokot mi-Mishpahot Ashkenaziyot Ne’elmu be-Vatei Holim ‘im Kum ha-Medinah,” *Haaretz*, August 12, 2016, 1, 6; *ibid.*, “Ke-Me’ah Mishpahot Ashkenaziyot: Yeladenu Ne’elmu,” *Haaretz*, August 14, 2016, 1, 4; *ibid.*, “Eduyot Rabot Nosafot le-He’almut Yeladim be-Yisrael, Gam bi-Shenot ha-30 vaha-40 ha-Mukedamot,” *Haaretz*, August 15, 2016, 6; Zvi Bar’el, “Taharut ha-Yeled he-Hatuf,” *Haaretz*, August 17, 2016, 2.

Disorder as the Organizing Principle of the State Narrative

Anyone who accepts the assertion that the number of children involved in the affair exceeds the 1,053 cases the three commissions of inquiry investigated must conclude that the work of the commissions of inquiry is, by definition, partial and incomplete. Moreover, each commission publicly acknowledged its inability to fully explain what happened to all of the missing children. Even the certain conclusions reached in some cases by the Cohen-Kedmi Commission were not based on consistent data. Interestingly, this corresponds with the rationale that stands at the basis of the state narrative, which could also be called “chaos theory.”

According to the commission, the key for understanding the disappearance of the children lies in the physical conditions and administrative disorder that characterized Israel in the first years of the state. These factors caused some children to be unintentionally and sporadically separated from their biological families. The commission focused the investigation on the years 1948–54, which it divided into two sub-periods: 1) the immigrant camps period (1949–51), and the transit camps period (1951–54).³⁷ In both of these periods, the state sought to provide the immigrants with a variety of services, including free lodging, health services, welfare, and education. What set these periods apart from one another is the level of independence the immigrants experienced. Although residents of transit camps were allowed to run their lives as they saw fit and were totally responsible for taking care of their babies, life in the immigrant camps resembled, to some degree, life in closed military quarantines. This meant, inter alia, that babies were held “by order” in designated “infant homes,” which were under full and exclusive control of the health and welfare personnel. Historians of Israeli medicine noted that infant homes in immigrants camps—similarly to the ones that existed in kibbutzim—were set up to provide babies better physical conditions than the ones available for adults.³⁸ The professional staff had the authority to make any decision associated with treatment of the children. This included the decision to transfer sick children to hospitals outside the camps, to offer up deserted children for guardianship and adoption, and to bury dead children in different cemeteries across the country. The role of the parents was restricted to visits that were held according to the rules and procedures of the professional personnel. If parents were unable to visit their children for a certain period of time, the welfare personnel might have concluded that they had abandoned their child. According to the Cohen-Kedmi Commission this scenario opened a window of opportunity for “occasional

³⁷ Kedmi, 51–56, 73, 89, 303–4.

³⁸ As opposed to the impression the Cohen-Kedmi Commission sought to create, not all babies who lived in the immigrant camps were held in “infant homes” at all time. For further details about the transit and immigrant camps see Dvora Hacoheh, *Immigrants in Turmoil: Mass Immigration to Israel and its Repercussions in the 1950s and After*, trans. Gilad Brand (Syracuse, NY: Syracuse University Press, 2003). For further details about infant homes in immigrant camps see Stoler et al., *To Be a Healthy Nation*, 232–35.

adoptions,” whereby nurses and social workers removed children from their biological parents out of concern for the child’s welfare.³⁹ Another scenario that led to the separation of children and their parents was the transfer of sick children from infant homes to medical facilities outside of the camps. According to the commission, in certain cases, a variety of communication failures prevented the health services from returning the children to their biological parents after they had recovered from their illness. The main two reasons for such communication failures and, in fact, for the entire children affair, were the following: 1) the lack of formal report procedures about the loss of contact between parents and their children and 2) the lack of a central Israeli institution for tracking children and families who lost contact with one another.⁴⁰ The commission emphasized that the children “were lost to their parents,” that is to say that, unlike the parents, the personnel that took care of the children actually knew where they were at all times.⁴¹ An additional point the commission stressed was that retrospective examination of what seems today to be administrative failures should take into consideration the historical reality of Israel in its formative years: the fact that Israel was a young country inundated with a massive wave of immigrants of different backgrounds, and that, only a few years earlier, it was at war for its very existence.⁴²

With this in mind, the commission reached the conclusion that during the immigrant camps period, the bodies that were responsible for the separation between the children and their families were the Jewish Agency, the camps’ management, and the infant homes authorities. In reference to the transit camps period, the commission was less specific. It held accountable the “bodies that were responsible at the time for absorbing the immigrants.”⁴³ The commission found it hard to explain how the social workers who took care of the children generally accepted the indifference these various bodies had regarding the loss of contact between children and their parents.⁴⁴ Nevertheless, the commission expressed sympathy with the staff in the infant homes. It noted that “[I]t is hard to complain about the local staff of infant homes, when the bodies [i.e. units] in the [Jewish] Agency that were in charge of absorbing the immigrants did not do what they needed to do in this regard.”⁴⁵ The commission also mentioned that the management of hospitals was extremely busy at the time in providing health services to immigrants and Israeli society in general. Therefore, the commission’s discussion about responsibility for the affair had no actual implication for any institution or individual.

This “chaos theory” may explain not only how children disappeared in practice, but also how the information included in the Kedmi report is partial and

39 Kedmi, 152–63, 206–9, 252–56, 292–93, 313–14 and more.

40 Ibid, 279–81, 320.

41 Ibid, 72, 89, 119, 135, 318 and more.

42 Ibid, 32, 287.

43 Ibid, 284. Also, see, *ibid*, 279–87.

44 Ibid, 285.

45 Ibid, 283.

sometimes inconsistent. The report covers 1,828 pages divided into three volumes. The first one, which is also the shortest volume (330 pages), details at length the state narrative as explained above. The other two volumes are appendices, which specify each of the cases the commission investigated, except for the fifty-six children whose fate has remained a mystery. Generally, each one of the different cases receives two to three pages in the report and is structured according to a similar template. The reports begin with a brief description of the complaint a certain family filed about the disappearance/kidnapping of its child (sometimes more than one child); it continues with a description of the information the commission was able or unable to retrieve, and ends with the conclusion the commission reached regarding the child's fate. A close reading of the findings section indicates that the Cohen-Kedmi Commission put great effort into cross-referencing information it found in different sources and, according to the commission, addresses the same children. The commission did so since many of the primary and secondary sources it retrieved about children and their families include inconsistent information regarding the children and their families (e.g. names, dates, and in some cases, even the sex of the child).

One of many examples of this cross-reference methodology deals with the baby "Rafael son of Amram (Moshe) and Sabriyah Seidof" who was born in Kurdistan.⁴⁶ According to a patient chart from the *Shaare Zedek* hospital in Jerusalem, the child "Saido Rafael" was admitted to the hospital on September 2, 1951. Other documents issued by the same hospital recorded the names "Amrin Rafael" and "Amram Rafael." However, a deceased list by the Ministry of Health, as well as a form by the Jerusalem *Hevrah Kadisha*, mention the name "Rafael Saidi." The commission reached the conclusion that all of these documents refer to the same child, and that the differences between them are simply scribal error. In other cases, a mother by the name of Zviyah appears in other documents as Shibyah and Shubiyah; the girl "Alizah Moreli" was registered as the deceased "Alice Marli," and members of the Dafdi family were registered in different documents under the names of their grandfather (Sa'adiyah) and their great-grandfather (Ovadiyah), that is, as members of the "Said" and "Awad" family.⁴⁷ To these examples, one could add many others. The ability to identify children's and parents' names by formal documents was critical, especially since many children (according to the state commission) died shortly after their birth, and were never given ID numbers. Other documents were inconsistent regarding the death dates of children. In some cases, the dates appear slightly different (e.g. 01/01 and 01/02). In other cases, the dates diverged more substantially, even by years.⁴⁸

⁴⁶ Kedmi, *Nispah la-Din ve-Heshbon: Helek Rishon* (hereafter: Appendix A), 5. Compare to ISA Courts-SupremCourts-000amp8, ISA-Courts-SupremCourt-000e8ia, and ISA-Courts-SupremCourt-000rkgs, ISA-Courts-SupremeCourt-0009dpf.

⁴⁷ Kedmi, *Nispah la-Din ve-Heshbon: Helek Sheni* (hereafter: Appendix B), 801, 829, and Appendix A, 679, respectively.

⁴⁸ See, for example, *ibid*, 15, 21, and Appendix B, 761, 803.

Broadly speaking, the commission accepted formal documents as more reliable sources than oral testimonies by family members who filed complaints about the disappearance or kidnapping of children. So, for example, according to the testimony of Shlomo (Salah) Yehoshua, he and his family immigrated to Israel from Yemen in December 1949.⁴⁹ Some four months later his wife gave birth to a baby boy at the Brandeis Hospital in the city of Haderah. According to the father's testimony, the baby was taken from his wife immediately after the birth. The father managed to see the baby through a window shortly thereafter. Five days later, the mother was transferred to another hospital, where she told Shlomo that their son had died. In an attempt to figure out what happened to the child, the Cohen-Kedmi Commission was able to find what seems to be a relevant bill that was issued at the Brandeis Hospital, and that was submitted to a certain division of the State Health Services on November 28, 1949. The commission also found Ministry of Health records regarding stillbirths. According to one of these records, "a daughter of Shlomo Saler" died on that same date. According to another document, "a daughter of Shlomo Salah" was buried on December 1, 1949. Based on this information, the commission reached the unequivocal conclusion that the "baby [boy] of Shlomo and Salmah Yehoshua was buried on 12/1/1949 at the cemetery of Haderah but since he was a stillborn [who was not given a name] he was buried without mentioning the exact location of the grave."⁵⁰ The commission added that it was "unable to reach a certain conclusion regarding the sex of the baby."⁵¹ The commission, therefore, rejected the father's testimony regarding the child's date of birth and date of death. It implicitly dismissed his testimony pertaining to when he and his family immigrated to Israel, and unreservedly cast doubt regarding the sex of the baby.⁵² Further confusion lies in the fact that different documents record the name of the father differently. Another case in which the commission did not accept oral testimony regarding the sex of a missing child is that of the Halili family. The commission noted that "although the father testified on the birth of a baby boy, the commission accepts the sex of the born as it appears in the records of the hospital and Ministry of Health"—records that indicate that the said baby was actually a female.⁵³ These are just a handful of examples that point to substantial discrepancies of two kinds: 1) Inconsistencies between oral complains filed to the commissions and documents the commission relied on and 2) inconsistencies in the formal documents. By and large, the commission considered formal documents, primary and secondary alike, as reliable and authentic sources, especially when it came to information regarding the

49 Ibid, 843. Compare to ISA-Courts-SupremeCourt-000d5ho, ISA-Courts-SupremeCourt-000e64i, and ISA-Courts-SupremeCourt-000akve.

50 Kedmi, Appendix B, 843. Emphasis in the original.

51 Ibid.

52 Additional examples of inconsistent documentation regarding the sex of missing children are available in *ibid*, Appendix A, 25, 653–654.

53 Ibid, Appendix B, 877. Compare to ISA-Courts-SupremCourt-000d5me.

death and burial of the children. To say the least, not everyone has accepted the commission's line of reasoning, according to which the inconsistencies in the documents are due to administrative failures and scribal errors.

Social activist Rafi Shubeli, for example, who has been propagating the kidnapping allegations for years, totally dismissed the state narrative as invalid. In an interview Shubeli gave on September 25, 2015, to the Israeli News Company of Channel 2, Shubeli argued that "The commissions aren't worth anything and it's all a lie...I read their reports. I don't believe a word."⁵⁴ Furthermore, years before the state commission of inquiry issued its final report Shubeli had complained that the commission failed to scrutinize the documents it was relying upon, including the kind of ink and paper used for the documents.⁵⁵ The lack of trust the commission demonstrated toward relatives of missing children was mutual and, therefore, also characterizes critics of the commission. For its part, the commission dismissed allegations of falsified documents as dubious claims by people who a priori assume that the state orchestrated the kidnappings of children.⁵⁶

Attempts by the Cohen-Kedmi Commission to use DNA tests did not lead to any breakthrough in its investigation. In fact, they were counterproductive insofar that they exacerbated the distrust certain social activists harbored toward the commission.⁵⁷ Attempts to produce DNA profiles from children's remains faced technical and scientific difficulties. First, in some of the graves the commission opened, it found the remains of more than one child. Other graves were totally empty. For activists who believed in the kidnapping allegation, this was an additional sign that the graves were fabricated. According to an alternative reading, which corresponds with the state narrative, natural wear and tear prevented the discovery of the remains of infants who had been buried decades before. In another case concerning two living women who claim that they are mother and daughter and had been separated from each other five decades earlier, different DNA tests led to conflicting results. Whereas one laboratory in Israel confirmed that the two are related, another laboratory in England dismissed this result.⁵⁸ Financial difficulties prevented the building of a genetic bank in the 1990s. Scientific developments of recent years could, however, substantially lower the price of the process. In 2016, the American company 23andME stated that, for a fee, it was

⁵⁴ Gal, "Tik Meshulam," 2015.

⁵⁵ Shubeli, "Likrat Pirsum," 13. Also see *ibid.*, 14 and Boaz Sangero, "Where There Is No Suspicion There is no Real Investigation: The Report of the Committee of Inquiry into the Disappearance of the Children of Jewish Yemenite Immigrants to Israel," *Teoriyah u-Vikoret* 21 (2002): 51, 53 (Hebrew).

⁵⁶ Kedmi, 246.

⁵⁷ Zuberi, *Be'ikevot Ahai*, especially chapters 7 and 11; Shubeli, "Likrat Pirsum," 13; Sangero, "Where There Is No Suspicion," 63–64, and compare to Kedmi, 189, 308.

⁵⁸ For further details about the case of Margalit Omessi and Tzila Levin see Kedmi, 175–76, 229–30, 307 and Zuberi, *Be'ikevot Ahai*. Dov Levitan dismisses the possibility that Omessi could have been the biological mother of Levin. According to archival documents Levitan retrieved, the legal procedures that led to the adoption of Levin in Israel had begun one month prior to Omessi's arrival in the country from Yemen. See Dov Levitan, "Ha'im Ra'ui Lehakim Va'adat Hakirah Hadashah le-Farashat 'Yaldei Teiman?," *Tema* 14 (2016): 198–99.

willing to add DNA samples of people who are believed to be involved in the affair to its genetic database.⁵⁹ MyHeritage has volunteered to take one thousand DNA tests without any charge. However, a spokesman for the company explained that even if the tests confirm biological connections between living individuals, they will never be able to shed light on the circumstances that led to their separation. The answer to that question could be either the state narrative or the kidnapping allegation.⁶⁰ In 2017, the twentieth Knesset began to work on legislation that would enable the systematic opening of graves of minors who may be associated with the children affair for the sake of DNA tests. In January 2018, the state approved the opening of children's graves of the 1950s for such tests.⁶¹

Epistemologically speaking, the inconsistency of the documents the Cohen-Kedmi Commission relied on, and the inability of the commission to explain on the basis of these documents and DNA tests what happened to numerous children, corresponds with the "chaos theory." After all, the organizing principle of the state narrative is disorder. Whoever accepts this narrative as valid should not be surprised that at least part of the documentation is partial and inconsistent. Had complete and uniform documentation existed regarding each child, such documentation would have undermined the logic upon which the state narrative is based. Put differently, there seems to be a correlation between the inability of the state commission of inquiry to clarify the fate of each child it attempted to find, on the one hand, and its would-be ability to suggest a general explanation to the affair, on the other hand. Perhaps not surprisingly, this state of affairs increased the level of societal mistrust in the state narrative. The following section suggests that a byproduct of the commissions of inquiry's work was the growing public acceptance of the kidnapping allegation.

The Commissions' Counter Effect

One way in which the commissions of inquiry that investigated the affair strengthened the public's belief in the kidnapping allegation is the fact that each one of them confirmed the disappearance of hundreds of children, and that the number of missing children increased from one investigation to the other. This

59 Ehud Ein-Gil, "Derekh le-Ihud Mishpahot," *Haaretz*, August 29, 2016, 13.

60 Attila Somfalvi, "Be'ezrat ha-DNA: Ma'agar Geneti le-Itur Yaldei Teiman," *Ynet*, September 18, 2016, <https://www.ynet.co.il/articles/0,7340,L-4856113,00.html>. In January 2018 *MyHeritage* was able to reunite Varda Fox—who had been separated from her biological family in 1951—with her biological sisters after DNA tests revealed that they were family. However, archival material that was published shortly thereafter indicates that it is possible that Fox's biological mother chose to neglect her immediately after her birth. See Attila Somfalvi, "Ha-Ihud ha-Mishpahti u-Farashat Yaldei Teiman: Ha-im Haytah 'Hatifah?'," *Ynet*, February 8, 2018, Video, 2:35, <https://www.ynet.co.il/articles/0,7340,L-5087765,00.html>. For details about a handful of other missing children who have been found adopted see Levitan, "Ha'im Ra'ui Lehakim," 200–2, and compare to the website of the *Amram* association.

61 Ofer Aderet, "Parashat Yaldei Teiman: Ha-Medinah Ishrah Petihat Kevarim," *Ha'aretz*, January 24, 2018, 7.

line of reasoning is covered in the book *The Politics of Victimhood: The Redress of Historical Injustices in Israel?* by Ruth Amir.⁶² The author, who is highly critical of the investigatory commissions, presents the affair as a violation of basic human rights, such as the rights for privacy and honor. According to Amir, the affair is “a clear example of a historical injustice,” which constitutes just one link in a series of tragedies that characterized the immigration of the Yemenite community to Israel.⁶³ Amir posits that the three commissions of inquiry that investigated the children affair functioned as mechanisms that assisted the Israeli establishment to get away with taking responsibility for its own crimes, and maintaining the hegemonic social order in Israel. Moreover, the commissions sought to diminish the scope of their investigation by restricting it to the legal sphere, and by using sterile language and administrative jargon that leaves no room for empathy for the victim.⁶⁴ More specifically, Amir asserts that the commissions used guilt diffusion techniques to transfer guilt to the victims, and that they primarily sought to confirm the state narrative. Interestingly, to support these arguments, Amir mentions that the state commission of inquiry actually “admits that there were ‘occasional adoptions’ of babies without the awareness of their parents and their consent,”⁶⁵ that is to say, that the existence of the affair is undeniable, and that basic rights of the parents and their children were indeed violated. An early expression of this line of reasoning can be traced back to the late 1960s.

The Public Committee, which led to the establishment of the Bahalul-Minkovsky Commission, warmly welcomed its findings and conclusions. In October 1968, shortly after the commission had completed its work, the Public Committee held a gala in its honor. In a speech delivered by the chairman of the Public Committee, Chaim Amrani, he expressed on behalf of the committee “the respect and appreciation of the [Yemenite] community to the commission of inquiry and its members. We are a community that knows how to say thank you and express its gratitude, when there is a justification for that...[A]nd this time we know that the commissioners and all those who assisted in the investigation of the affair deserve a thank you.”⁶⁶ Amrani added: “The results of the inquiry are indeed disappointing since out of 342 complaints, 316 [children] have been found dead (and the evidence about this is clear), 4 were found adopted, while 22 [children] are still missing. This [however] does not belittle the scope and importance [of the inquiry].”⁶⁷ Amrani requested the completion of the investigation,

62 Ruth Amir, *The Politics of Victimhood: The Redress of Historical Injustices in Israel?* (Tel-Aviv: Resling, 2012), chapter 3 (Hebrew).

63 Ibid, 77 and 67.

64 Ibid, 97–98. A similar argument regarding the language used by other Israeli state commissions of inquiry is available in Yehouda A. Shenhav and Nadav Gabay, “Managing Political Conflicts: The Sociology of State Commissions of Inquiry in Israel,” *Israel Studies* 6, no. 1 (2001): 126–56.

65 Amir, *The Politics of Victimhood*, 92.

66 “Sar ha-Mishtarah: Namshikh Lehapes Ahar 22 ha-Yeladim ha-Ne’edarim Adayin,” *Afikim* 27 (1968): 1.

67 Ibid.

and wished “to express gratitude to all those who took part in this enormous project of redressing injustice and preventing the suffering of hundreds of families, and especially to the editorial of [the journal] ‘Afikim,’ to MK Baruch Uziel, MK Shlomo Rozen, to the Minister of Justice and Minister of Police, to the commissioners and especially to our representative on the commission, the honorable attorney Chaim Kahan and Mr. Ami Hovav, and also to the team of investigators.”⁶⁸ In a speech attorney Kahan gave at the same gala, he expressed the hope he shared with his colleagues “that this history book about the immigration of Yemenite Jews [to Israel], which was written by the commission of inquiry, will serve as a text book, so further affairs of this kind will not reoccur, especially since we hope that future mass immigrations [to Israel] will arrive.”⁶⁹ We see, then, that in this phase of the affair, social activists who sought to represent the Yemenite community embraced the Bahalul-Minkovsky Commission, which validated the disappearance phenomenon.

An additional way in which the commissions of inquiry indirectly strengthened societal trust in the kidnapping allegation in later years is related to the reciprocity that developed between the state narrative, on the one hand, and the kidnapping allegation, on the other. Over the years, the two narratives became a kind of zero-sum game or two poles that seemingly contradict each other. Israeli discourse over the two theories is normally characterized by the following dynamic: Acceptance of one of them as true and authentic means dismissal of the other as wrong and misleading. Moreover, raising doubts about one of them seemingly reinforces the authenticity of the counter argument. This line of reasoning is common both to the Cohen-Kedmi Commission and to its critics.

The list of complaints that certain social activists, scholars, and journalists have leveled against the three commissions of inquiry, and especially against the state commission of inquiry, is long and detailed. The complaints against the latter addressed almost every aspect related to its work, including its terms of reference, its human makeup, the terminology the commission used or did not use, and obviously its findings and conclusions. One example of such criticism is a piece Rafi Shubeli published even before the state commission of inquiry issued its final report.⁷⁰ Shubeli posited that the commission worked too slowly and ineffectively, that it depended upon unreliable documents, and that it consciously chose not to ask witnesses basic questions related to their involvement in the affair. One of these witnesses, who used to be a nurse in the Hashed camp in Aden “avoided telling the truth [on the witness stand] and her investigation was extremely superficial.”⁷¹ Shubeli added that the commission did not allow all the people who wanted to testify before it to do so, that it did not make sufficient effort to gain the trust of the families that had no representative on the commission in the first place, and

68 Ibid.

69 Ibid, 4.

70 Shubeli, “Likrat Pirsum,” 10–16.

71 Ibid, 12.

that it did not try hard enough to convince Uzi Meshulam to come and testify before it, even though he had critical information about the affair.⁷² An additional person who according to Shubeli holds critical evidence is the investigator Ami Hovav, who happens to be a descendant of a Jewish Yemenite family and assisted the two previous commissions in their investigations. According to Shubeli “the controversial results of his investigations led to the need to establish the current commission.”⁷³ Shubeli also argued that the fact several commissioners were Mizrahi Jews was a cynical abuse of their background for PR purposes, not to mention that in their capacity as former members of the IDF and Israeli justice system, the commissioners sought to defend the Israeli establishment that appointed them exactly for this reason.⁷⁴ Shubeli added that neither of the commissioners was a historian by training.⁷⁵ This is just a partial list of complaints that he and other propagators of the kidnapping allegation have raised against the commission.⁷⁶

No less critical toward the Cohen-Kedmi Commission was legal scholar Boaz Sangero who reached the conclusion that the Kedmi report reflects a fixed opinion the commission had forged even before it completed its inquiry.⁷⁷ According to Sangero, the commission sought to dismiss the kidnapping allegation without considering, for example, alternative means of kidnapping children (that is kidnapping by private individuals and not by representatives of the state). In an article he published about the commission, Sangero added that a legal reading of its report raises the suspicion that rather than investigating the affair independently (an inquisitory investigation), the commission functioned like a court (an adversarial body), which judged two adversarial parties. However, unlike in a court of law, the two parties at hand were unequal. On the one hand, there were old and helpless parents who were simply trying to find their children. On the other hand, there were the state authorities “who have all the necessary information.”⁷⁸ According to Sangero, the commission applied strict procedures that were inappropriate in the context of the affair. Following is the main argument of his piece:

The main conclusion of this article, which is based on the common means to analyze a legal text, is that the commission’s work suffers from the most basic flaw a commission of inquiry could suffer from [probably with the exception of corruption]: the lack of epistemology of suspicion. The ways in which the commission describes its work, and a [legal] analysis of its

⁷² Prior to the publication of the final report of the state commission of inquiry, Justice Kedmi publicly called Meshulam to meet him “anywhere and under any condition” (Shahar Ginosar, *Yedioth Ahronot*, 7 Days, June 2, 2000, 16–19).

⁷³ Shubeli, “Likrat Pirsum,” 13.

⁷⁴ The original last name of Justice Kedmi was “Mizrahi.” Commissioner David Maimon, who was born to a Yemenite family, was a retired general of the IDF.

⁷⁵ Dr. Shubel is a dentist by profession.

⁷⁶ See for example Ehud Ein-Gil, “She’elot le-Havrei ha-Va’adah,” *Haaretz*, Weekend Section, December 7, 2001, 64–68.

⁷⁷ Sangero, “Where There Is No Suspicion.”

⁷⁸ *Ibid.*, 65.

conclusions, indicate that suspicion was never a paradigmatic factor in any phase of its work...The style of the investigation, its scope, [and] the way the commission expressed itself...point to an appearance of engagement [in the affair but not to an actual attempt to clarify it].⁷⁹

To these harsh words, Sangero added a substantial list of questions in an attempt to cast further doubt on the credibility of the commission and the quality of its work.⁸⁰ He wondered, for example, how it could be that some original records about the supposed burial of children disappeared and whether someone deliberately destroyed them. Assuming that this is indeed the case—who did it and when?⁸¹ Since the article by Sangero is dedicated to a legal reading of the report alone, it does not suggest answers to these questions. It also does not engage in a series of topics that, according to Sangero, could strengthen its main argument.⁸² Such topics include the back channels of the commission, the connections it maintained with different arms of the executive branch, and a rigorous analysis of the two appendices volumes.

The concerns and doubts Sangero, Shubeli, and others have raised against the Cohen-Kedmi Commission cast a dark shadow over the state narrative. Skepticism of this kind may create the impression that dismissal of the commission's work reinforces the kidnapping allegation since if the first is false, then the latter is seemingly valid. Nevertheless, one should differentiate between criticism of the commissions of inquiry—justified as it may be—and the ability to prove the kidnapping allegation by supporting evidence, let alone empirical data. As much as it is unclear from Shubeli's article, for example, how he knows "the truth" that the nurse from the Hashed Camp was trying to hide, so does Sangero leave us with no answer as to how he knows that the state authorities have "all the necessary information" about the affair—a claim that stands in total contradiction of the state narrative. The fact of the matter is, as much as the state narrative does not fully explain the fate of each and every child associated with the affair, the kidnapping allegation is also marked by a lack of information. In spite of the wide gap between the two narratives, both of them are characterized, among other things, by determined conclusions based on partial, inconsistent, or lack of information. Put differently, both of them are tautological by nature, that is to say cyclical arguments from which there is no escape. Shubeli demonstrated this, in the context of the kidnapping allegation, in an interview he gave on September 25, 2015, to Israel's Channel 2. When asked who kidnapped the children, he said the following:

⁷⁹ Ibid, 48.

⁸⁰ Ibid, 51.

⁸¹ Advocate Josseph Yossiphov who was hired by the Cohen-Kedmi Commission to retrieve archival source material had raised similar questions to the ones Sangero did even before the commission completed its investigation. See ISA-Courts-SupremeCourt-00095vs.

⁸² Sangero, "Where There Is No Suspicion," 75.

Shubeli: Who kidnapped [the children]? Representatives of the health, welfare, and other authorities. They did it by order. It was not their private initiative. It can't be.

Interviewer: So where are they? Where are all these thousands of children [you are talking about]? Where are they?

Shubeli: [T]he question where are the children is a good question, but it does not dismiss the actual kidnapping. If I were to complain to the police that someone had stolen this binder, [held a binder in his hand] the police should prove what happened, not me. I should not prove anything...I don't need to prove anything about these children. The children existed and they were kidnapped, they were gone, call it as you will, and the state should say where they are.

While the state narrative is largely based on the disorder that beset Israel in its formative years, the kidnapping allegation is mainly based on the absence of the children. Proponents of the kidnapping allegation, who consider the affair an open case, therefore continue to look for the children and demand further investigation.

Two additional factors strengthened the general mistrust Israelis expressed toward the state commission of inquiry's finding: the commission's decisions not to make personal recommendations against anyone involved in the affair, and the circumstances that led to the sealing of large portions of the commission's archive for seventy years (a decision that was eventually overturned in late 2016). As scholars Yifat Holzman-Gazit and Raanan Sulitzeanu-Kenan noted on the basis of empirical data, there is a positive correlation between the level of criticism contained in an Israeli inquiry report, on the one hand, and the level of public trust in the report, on the other hand.⁸³ 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 restore public trust in the executive arm by functioning as "watch dogs" of public ethics.⁸⁴ In this respect, the Cohen-Kedmi Commission was a total failure. It also failed to engage in what legal scholar Jonathan Simon calls "parrhesiastic truth telling," which is a public process that holds the executive accountable of wrongdoing in a popularly effective way.⁸⁵ In

83 Yifat Holzman-Gazit and Raanan Sulitzeanu-Kenan, "Emet o Bikoret: Emun ha-tsiibur 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): 225–70.

84 For further details about the affinity between commissions of inquiry and restoration of public trust in the executive branch see Avigdor Klagsbald, *Tribunals of Inquiry* (Jerusalem: Nevo, 2001, Hebrew).

85 Jonathan Simon, "Parrhesiastic Accountability: Investigative Commissions and Executive Power in an Age of Terror," *The Yale Law Journal* 114, no. 6 (2005): 1419–57.

the context of a commission of inquiry this means, among other things, that victims and individuals who have personal knowledge of the event the commission was assigned to investigate share their experiences and assume a central role in assisting the commission to publicly scrutinize representatives of the executive arm. The limited trust the Cohen-Kedmi Commission placed in the witnesses that testified before it indicate that there was no alliance between that commission and the witnesses.⁸⁶ Empirical data pertaining to the manner in which Israeli society received the findings of the Kedmi report indicate that most Israelis believed the commission and the state avoided taking responsibility for the affair, did not punish those who were responsible for it, and failed to disclose the truth about it.⁸⁷

This sentiment grew, especially from 2016 when the Israeli media, and to a certain degree the international press, began to give more attention to a claim that was first heard in the early 2000s. According to this claim, the state commission of inquiry decided to seal its archive for a period of seventy years after the publication of its final report, that is, until 2071. This claim was the result of disinformation that the media and propagators of the kidnapping allegation presented as true.⁸⁸ A poll taken in June 2016 indicated that 56 percent of the adult Jewish population in Israel believes that the main reason the commission sealed its archive for seventy years was to prevent social turmoil, and 60 percent believe that the current political establishment seeks to hide the truth about the affair.⁸⁹ Ninety percent of the Israeli public believes that the state should declassify the sealed material.⁹⁰ Interestingly, not only did the commission never make such a decision, it sought to publicize its findings within the limits of the law.

In 1997, the commission published two interim reports that included information about the scope of its inquiry, the methodology the commission applied, challenges it sought to meet, and the direction of future inquiries.⁹¹ The commission held most of its hearings publicly, made the minutes of open sessions available for the public, and allowed people to video them, as members of the *Mishkan*

86 The Shalgi Commission consciously and deliberately chose not to interview individuals who had filled complaints regarding missing children, and their families, so “as not to re-awaken painful feelings unnecessary” (Shalgi Report, 16).

87 See above note 14.

88 See for example Oren Liebermann, “Yemenite Children: Were Babies Taken from Jewish Migrants?” *CNN*, November 22, 2016, <https://edition.cnn.com/2016/11/18/middleeast/yemenite-jewish-children-israel/index.html>; Tamara Zieve and Lidar Gravé-Lazi, “Israel to Release Classified Documents on Yemenite Children Affair,” *The Jerusalem Post*, November 13, 2016, <https://www.jpost.com/Israel-News/Israel-to-release-classified-documents-on-Yemenite-Children-Affair-472492>; Omri Ephraim and Moran Azulay, “Ha-Perotokolim shel Yaldei Teiman Hasuyim ad 2071: ‘Ze Sodot ha-Gar’in?,” *Ynet*, June 21, 2016, <https://www.ynet.co.il/articles/0,7340, L-4818443,00.html>.

89 See above note 14.

90 Ibid.

91 The interim reports of June 30, 1994, and August 4, 1997, are available at ISA-Courts-SupremeCourt-0009an8.

Ohalim association chose to do.⁹² Out of approximately 850 testimonies, the commission heard only twenty-seven testimonies *in camera*.⁹³ Twenty-five of these testimonies included information about the adoption of children, which is classified according to the Israel Adoption Law, 1981. Two additional testimonies were of high-ranking representatives of the Israeli intelligence community. Furthermore, in its final report, which the commission made fully public in November 2001, it noted that one of the administrative responsibilities in which the secretariat of the commission was engaged involved leaving “an organized archive that would make available all the [original] source [material] the commission collected and that was used to write its report, for the benefit of all those interested, including—of course—the complaining families.”⁹⁴ Upon submission of the final report to the government, when the commission became *functus officio*, its archive was deposited at the State Archives, where it was handled according to protocols and regulations over which the commission had no control. All other archival material of the commission remained sealed in compliance with the Archives Ordinances, 1966, according to which, personal documents, and private files (e.g. documentation regarding adoption and hospitalization of citizens) should be sealed for a period of fifty years, dating from the creation of the documents.⁹⁵ In 1997, the said ordinance was revised, making the sealing period of such private materials seventy years instead of fifty (since most of the primary sources and private documents the Cohen-Kedmi Commission relied on were created between the late 1940s and the early 1960s, these materials were seemingly supposed to become public between the late 2010s and 2030s, and not in 2071).⁹⁶ The sealing of the archive of the Cohen-Kedmi Commission for a period of seventy years was therefore the result of a wider Israeli policy to keep the privacy of citizens in a context that goes beyond the children affair and the state commission of inquiry. Nevertheless, social activists who believe in the kidnapping allegation demanded that the commission release its findings even prior to the publication of its final report. Rafi Shubeli, for example, made this demand in July

92 Ibid and compare to Kedmi, 135. The minutes of the public deliberations of the Cohen-Kedmi Commission became formally available for the public on December 24, 2002, according to decision 1712 of the twenty-ninth government (April 21, 2002), and the Commissions of Inquiry Decree (*Heiter Iyun bi-Frotokolim shel Diyunei Va'adat Hakirah*), 2003–5763. For further details, see decision 1584 of the thirty-fourth government (June 26, 2016), https://www.gov.il/he/Departments/policies/2016_dec1584.

93 According to the ISA, since 2016 only ten minutes have remained classified. See <http://www.archives.gov.il/עקרונות-הפתיחה-של-תיעוד-פרשת-ילדי-תימן/> and compare to ISA Division 30.10, Deposits 9732–9719 ג, 9733–9754 ג.

94 Kedmi, 145.

95 *Takanot ha-Arkhiyonim (Iyun be-Homer Arkhiyoni ha-Mufkad ba-Ginzakh)*, 5726–1966 (hereafter: Archive Ordinances, 1966).

96 Archives Ordinances, 1997 (available at *Reshumot, Kovetz ha-Takanot*, 5837, June 30, 1997). While the Archives Ordinances, 1966 was revised once again in 2010 (*Takanot ha-Arkhiyonim (Iyun be-Homer Arkhiyoni ha-Mufkad ba-Ginzakh)*, 5770–2010), the sealing period of private documents has remained seventy years.

2000.⁹⁷ In 2013, the independent scholar Shoshi Zaid wondered “how come 50 years after the events there were *confidential testimonies* in the first place, and how come the important testimonies are confidential for additional 70 years??”⁹⁸ The campaign run by some social activists who believe in the kidnapping allegation, groups such as the *Amram* Association, and journalists who reported on the topic extensively, reached its zenith in late 2016. They put much pressure on the thirty-fourth government to publish the material immediately.⁹⁹

One figure who in 2016 welcomed this demand was Prime Minister Benjamin Netanyahu.¹⁰⁰ In June of that year, Netanyahu’s government decided to examine which parts of the material could be disclosed.¹⁰¹ To this end, it authorized Minister without Portfolio Tzachi Hanegbi to make a decision on the matter in cooperation with the state archivist by January 1, 2017. By November 2016, the two decided to disclose hundreds of thousands of documents—particularly primary documents mentioned in the appendices volumes—and upload them to the website of the State Archives.¹⁰² Even before this happened, Hanegbi said that, in his opinion, the material should be available to the public. In one interview he gave to Channel 2, he posited that “hundreds of children were maliciously stolen” from their parents.¹⁰³ He later qualified his argument by stressing that this is simply his “personal impression” and that he has no idea whether the decision to split the children from their biological parents was given “from above,” that is to say by representatives of the Israeli establishment. Hanegbi added that the Cohen-Kedmi Commission did not seek to cover up the truth: “If there were findings [regarding state-administered kidnappings]...the commission would have uncovered them... In the [confidential] material that I read there is no “smoking gun.”¹⁰⁴ The minister also stressed that the archival material that he examined with the state archivist was unlikely to determine who is responsible for the affair.

These two seemingly contradictory arguments led to stern criticism of Hanegbi. Journalist Ehud Ein-Gil, who has been writing about the affair for years, insists that it is clear who bears ministerial responsibility for the affair, and that answers about the topic are available in the final report of the Cohen-Kedmi

97 Shubeli, “Likrat Pirsum,” 12. Compare to Amir, *The Politics of Victimhood*, 90.

98 Zaid, “Al Astrategiyat Ha’alamat ha-Meida,” 105 (Emphasis in the original).

99 One journalist who has given much attention to the children affair and the archive of the state commission of inquiry is TV anchor Rina Matzlih, who moderates the program *Meet the Press* on Channel 2 (Mako). In January 2017 Matzlih won the Primor Prize for journalism for her engagement in the affair.

100 Arik Bender, “Netanyahu ‘al Parashat Yaldei Teiman: “Eini Mevin Madu’a ha-Hisayon Kayam,” *Ma’ariv*, June 21, 2016, <http://www.maariv.co.il/news/politics/Article-54647>.

101 See above note 93.

102 The thirty-fourth government announced on this decision (2040) on November 13, 2016, <https://www.gov.il/he/Departments/news/spokeyemen131116>.

103 Israeli Channel 2, “Meet the Press,” July 30, 2016. See also, Ofer Aderet, “Hanegbi: Me’ot Rabot shel Yaldei Teiman Nigzelo be-Mezid,” *Haaretz*, July 31, 2016, 1, 6.

104 Quoted in Ofer Aderet, “Hanegbi: Yaldei Teiman Lo Ne’elmu be-Mikreh, akh En “Ekdah Me’ashen,” *Haaretz*, August 1, 2016, 6.

Commission.¹⁰⁵ Minister Hanegbi, he argued, should “return to the findings of the commission of inquiry itself...From this description [i.e. its report] it is clear who bears the ministerial responsibility for the malpractice that the commission of inquiry uncovered: the Minister of Health (who is responsible for hospitals), the Minister of Welfare (who is responsible for children daycare and adoption), the Minister of Interior (who is responsible for formal births, deaths, and adoptions records), the Minister of Religions (who is responsible for burial services),”¹⁰⁶ and many other people who assumed governmental positions at the relevant years. This includes general managers of governmental ministries, directors of hospitals, transit and immigrant camps, and directors of different *Hevrah Kadishah*. This argument indeed corresponds with the sections in the Kedmi report that address the responsibility for the affair.¹⁰⁷ It is also in keeping with an argument Shoshi Zaid made more than a decade earlier. Zaid emphasized that the extensive documentation the Cohen-Kedmi Commission was able to retrieve constitutes a highly important source of information regarding the actions of the Israeli immigration absorption system and a variety of additional topics.¹⁰⁸ Other scholars who also believe in the need to continue examining the affair saw the archive of the Cohen-Kedmi Commission as a key for clarifying it. In August 2016, tens of Israeli academics signed a public petition calling for the establishment of a new state mechanism to find the children, compensate their families, and commemorate the affair. The petition notes that “The [three] commissions of inquiry that have acted so far have set an important ground for clarifying the testimonies about the affair.”¹⁰⁹ Interestingly, then, even some of the harshest critics of the Cohen-Kedmi Commission have occasionally presented it as a creditable source of information that supports the kidnapping allegation, and justifies the need for further investigation and coming to terms with those responsible for the affair. The commission has become a central point of reference in the public and scholarly discourse about the affair.

On December 28, 2016, the Israeli State Archives uploaded to its website more than 3,500 files of the archive of the Cohen-Kemi Commission (some 400,000 pages).¹¹⁰ The material was personally uploaded to the Internet by Prime Minister Netanyahu in a press conference that attracted much public attention. Social activists who have been propagating the kidnapping allegation were happy to have the material released. Shortly thereafter, however, they noted that, in their view, the archive of the Cohen-Kedmi Commission is no more than the archive of

¹⁰⁵ 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. For further details see Klagsbald, *Tribunals of Inquiry*, 332–38.

¹⁰⁶ Ehud Ein-Gil, “Ha-Teshuvot ‘al Parashat Yaldei Teiman,” *Haaretz*, August 3, 2016, 2.

¹⁰⁷ See notes 43–45 above.

¹⁰⁸ Shoshi Zaid, “Parashat Yaldei Teiman—Ma Hal’ah,” *Afikim*, 123–24 (2003): 12.

¹⁰⁹ “Ha-Yeladim shel Kulanu: Itur, Pitsu’i Hantsaha,” *Haaretz*, August 12, 2016, 2.

¹¹⁰ ISA, <http://www.archives.gov.il/yc/>.

a cover-up commission.¹¹¹ As of early 2018, no “smoking gun” was found either in this archive or elsewhere.

Epilogue

Lost with Tzufit Grant—the popular Israeli newsmagazine television program—seeks to reconnect family relatives who have lost contact with one another due to a variety of circumstances. In an interview, Grant said that one of her professional dreams is related to the children affair. In her opinion, the affair is one of the biggest secrets in the country and “one of the most sinful affairs that has ever taken place in Israel. Thousands of children were simply kidnapped in the 1950s... We tried [in the program] to engage in several cases but in vain... Every day I get ten stories about the kidnapped Yemenites. The state ignores all of that even today, as if it did not happen.”¹¹² These words, which correspond with the kidnapping allegation, reflect a widely common notion, according to which the three commissions of inquiry that were established to clarify the affair were totally nonproductive. This article sought to challenge this notion by demonstrating that the commissions were in fact instrumental agents of historical memory.

The commissions in general, and the state commission of inquiry in particular, have become a central point of reference in the public and scholarly discourse about the affair. They played a major role in shaping this discourse by forging the state narrative and strengthening societal trust in the kidnapping allegation. This latter phenomenon was the result of a number of factors. First is the fact that the commission confirmed the disappearance of more than one thousand children without being able to clarify the fate of each and every child. The commission did so while ignoring claims that the actual number of children associated with the affair exceeds the number of cases the commission investigated. The commission’s inability to fully clarify the fate of all the children corresponds with the organizing principle of the state narrative, which is based on the logistic, administrative, and bureaucratic disorder that engulfed Israel during the immigrant and transit camps periods. Since the primary sources the state commission of inquiry relied upon are not always consistent with each other, the state narrative is, in fact, tautological by nature. In this respect, this narrative is similar to the kidnapping allegation, which is largely based on the absence of the children and interpretation of partial information. Furthermore, the state commission of inquiry did not engage in a parrhesiastic truth telling, avoided making personal recommendations against any individual or governmental arm, and created a general impression that instead

¹¹¹ See for examples Rafi Shubeli’s interview with Walla News, “Ha-Protokolim Nehsafim,” December 28, 2016. Video, <https://www.youtube.com/watch?v=CL69809jKkU>, and Yael Tzadok’s interview on the TV program *Erev Hadash*, December 29, 2016. Video, <https://www.youtube.com/watch?v=biLU4tW4SYk>.

¹¹² Quoted in Raz Shechnik, “Matse’ah et ha-Evdelim,” *Yedioth Ahronot*, 7 Nights, October 25, 2013, 4–5.

of unveiling the truth, it seeks to hide it from the public. This impression is also the result of the circumstances that led to the sealing of the commission's archive for a period that was supposed to last seventy years. This dynamic turned the state narrative and the kidnapping allegation into two contradicting explanations of the same affair, whereby challenging or dismissing one of them seemingly reinforces the other.

Supporters of the kidnapping allegation, who are motivated by a strong sense of self-conviction and certainty about its authenticity, continue to demand further investigation. Some people argue that the way to push the inquiry of the affair forward would be the setup of a state organization that continued to collect information about the affair.¹¹³ Others insist that after three failed investigations, the state has proven its unwillingness to expose the truth.¹¹⁴ They contend that instead of running the inquiry, the state should allow the families of the children and social activists who represent them to take control of the investigation. With this in mind, it is unlikely, it seems, that the children affair will disappear from the Israeli agenda anytime soon.

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The writing of this article was completed in April 2018.

¹¹³ Ofer Aderet, “Lo Nimtsa Ekdah Me’ashen,” *Haaretz*, December 28, 2016, 3.
¹¹⁴ Na’amah Katie, “Al Titnu la-Mimsad Lahakor,” *Haaretz*, August, 3, 2016, 13.