

ARTICLE

# Setting Boundaries to the Rule of Law in Israeli Children's Weeklies of the 1950s: A Test Case for the Concept of Heroism in Socio-Legal Discourse

Talia Diskin

Minerva Center for the Rule of Law under Extreme Conditions, University of Haifa, Israel  
Email: [taliakartoun@gmail.com](mailto:taliakartoun@gmail.com)

## Abstract

Children's weekly magazines in Israel's first decade offer a unique arena for legal research, since they provide a broad field for learning about the nature of the effort made by their curators to instil legal consciousness in children. These publications, as prominent educational materials and popular leading leisure resources, mediated to their young readers the current events, and they are a barometer of values, including the rule of law. Accordingly, the article presents some of the values that the weeklies stressed for coping with the challenges of the time from a legal perspective. The article also describes how cultural heroes in Israel were presented in the magazines and defined the concept of the rule of law of the period. It shows that along with the weeklies' general commitment to the rule of law and the appreciation of law-abiding figures who strived for good, the magazines, including their editorials and op-eds, featured in their literature, illustrations and other elements, a deeper layer of acceptance and even encouragement of some types of behaviour that were inconsistent with the principle of upholding public law and human rights in a broad sense. This is especially apparent concerning the conduct surrounding border security.

**Keywords:** (legal) socialisation; (legal) education; children's weeklies; borders of the state; heroes

## 1. Introduction

The way in which a society defines its heroes influences worldviews about its character. Thus, a society's 'legal heroes' establish its legal character. These heroes are those whom the society describes as figures who act optimally in realities relating to law, such as those who represent legal rules, ratify institutions and compliance, or, contrarily, non-compliance with law – all depending on context, content, tone and style.

Writing about law in American popular culture, the Israeli legal historian Yoram Shachar describes American cultural heroes as 'legal heroes' planted in courts:<sup>1</sup>

The American people put lawyers in all their cultural centres and tell their heroic stories every night at every campfire, high and low, as they place them in the legal arena. The American people cast lawyers when telling the paradigmatic heroic tale of the innocent boy [proposed by Bruno Bettelheim when discussing the psychoanalytic role of fairy tales], who fights the monster and defies it. Authors and writers in formative novels, pulp fiction, cinema, theatre and television bring their audiences to the climax of drama in a familiar court environment, where people and ideas struggle on their way to good life.

According to Shachar, the faith in the power of a fair struggle to bring redemption to the world has led American culture to glorify formal legal proceedings, in which the procedure serves as an empowering space and environment.

As legal historians and cultural scholars, we try, among other things, to position law in the realms of society and question its place and status in it. In this context, and especially against the background of current initiatives relating to the Israeli legal system and the October 7 ('Swords of Iron') War – which brought to the surface messianic ambitions and initiatives for empowerment beyond the borders of the state – one must wonder: What about Israel? Were there any legal heroes in Israel's history whom we can identify and to whom we may relate as constituents of today's legal culture?<sup>2</sup> Shachar argues that throughout Israel's years, and even today, the country has attested no trace of an 'addiction' to the legal arena like that evidenced in American society. Lawyer characters, Shachar elaborates, are rarely cast in leading roles in the courtroom, indicating that law has no real role in the ethos of Israeli culture.

Indeed, in Israel, when thought is given to heroes, legal or not, it is not lawyers or sheriffs who spring to mind when it comes to the past but, for example, farmers and soldiers (and today, perhaps, high-tech entrepreneurs). Israeli popular culture, certainly relative to that of the United States, rarely tells stories about courts. Is this to say, however, that Israel lacks heroes related to the law?

The current article dives into the past. It examines early manifestations of the rule of law in Israel by turning to a unique source: children's weeklies published in the country's first decade. It suggests that in the transition from the organised community of the pre-statehood era, the Yishuv, to statehood, the depiction of heroes in Israel, at least according to these magazines, may teach us about the attitude towards the law and, more specifically, towards the rule of law.

<sup>1</sup> Yoram Shachar, 'When Faust Hires a Lawyer: On Pattern Relationships between Law and Culture' (2006) 3 *Din U-Dvarim* 154 (in Hebrew).

<sup>2</sup> In her exemplary biography of Simon Agranat, Pnina Lahav sees the persona of this Supreme Court Justice as interwoven with the Zionist century, which predated the British Mandate and lasted until the first decades of statehood. One doubts, however, that Agranat may be regarded as a hero in the general culture, which glorified warlords and statespersons in the main: Pnina Lahav, *Judgment in Jerusalem, Chief Justice Simon Agranat and the Zionist Century* (University of California Press 1997).

## 2. Israeli children's weeklies and the socio-legal discourse

To examine the question of early Israeli legal heroes, the survey that follows reviews the four most popular and edifying children's weeklies published in Hebrew in Israel during the 1950s: *Davar liYeladim*: 'A Word to the Children', a play on the Zionist Labour Movement daily newspaper *Davar* (Hebrew for 'word'); *Mishmar liYeladim*: 'Guardian for Children', after the Mapam [socialist] paper *Al Hamishar*, 'On Guard'; *Ha'arets Shelanu*: 'Our Land', an adjunct of the liberal-secular daily *Ha'arets*; and *Hatzofe liYeladim*: 'The Children's Hatzofe [Observer]', organ of the Religious Zionist movement.

These four weeklies appealed to children from their first reading level up to age 15 or so. Unlike regular textbooks or readings used in the education system, and unlike direct inquiries from the government, they gave the youngsters, among other materials, a window onto legal life as well as social affairs bound up with the law. By sending messages about the law, they may have influenced their large and willing population of young readers. In addition to subscribing regularly, children passed the weeklies from hand to hand as a matter of course. For obvious reasons, it is impossible to trace the patterns of, and provide accurate data on the reading rate of these materials and its impact on readers, but the enormous part played by the weeklies in children's leisure activities at the time is rather well known in Israel.<sup>3</sup>

By reading and analysing more than 30,000 pages of children's weeklies in various genres – including editors' columns, news sections, stories, poems, cartoons and comic strips – this article proposes a profile and definition of some of Israel's legal heroes, and characterises their significance for the concept of the rule of law. In this context, several assumptions are made in examining these weeklies as a cultural designator of legal heroes. First, it is assumed that the study of a society and its culture, including its legal culture, may reveal truths and shed light on the *zeitgeist* not only by referencing the high culture – adult literature, *belles arts*, theatre, music, architecture – but also by investigating the ways in which old generations turn to young generations via a popular product such as children's weeklies. In fact, studying children's papers and seeing them as a source of insights into society also belong to a research tradition that addresses implementation of law in popular culture, as in film and television. This is the case in Shachar's article as well as in earlier studies, such as Stewart Macaulay's research on the significance of baseball on television in the perception of rule of law in America, Richard Sherwin's studies on cinema, the cultural studies of Austin Sarat and colleagues, and others.<sup>4</sup> More so, the analysis here falls into the interpretive realm of seeing law in its broad sense as a *culture*, according to which the practice of law as a pure field of knowledge, fed solely by its internal legality, is incomplete. Law is shaped, disseminated and understood within

<sup>3</sup> See also Rima Shikhmanter, *Paper Friend: Israeli Children's Journalism in the First Decade of the State* (Ben-Gurion Research Institute for the Study of Israel and Zionism and Yad Izhak Ben-Zvi Press 2014) 1–14.

<sup>4</sup> Stewart Macaulay, 'Popular Legal Culture: An Introduction' (1988–1989) 98 *Yale Law Journal* 1545; Richard K Sherwin, *When Law Goes Pop: The Vanishing Line Between Law and Popular Culture* (University of Chicago Press 2000); Michael Asimow and Shannon Mader, *Law and Popular Culture: A Course Book* (2nd edn, Peter Lang 2004); for a study examining cultural content related to the legal world, including the media, in the late eighteenth century in the United States, see Steven Wilf, *Law's Imagined Republic: Popular Politics and Criminal Justice in Revolutionary America* (Cambridge University Press 2010).

the framework of cultures; it is therefore interdisciplinary and woven into an overall social fabric.<sup>5</sup> To examine the way in which law is attested in a culture on this basis, it is not enough to examine internal legal contents such as rules or precedents. Rather, one should strive to understand the forces exerted in the given culture and the possible consequences of the law, which also rest outside the immediate field of law.<sup>6</sup>

Second, the review of children's weeklies in this context also springs from knowledge of the dominance of children's papers in the world of 1950s Israeli children and their role as an important and widely diffused component of contemporary culture. As agents of information, the papers accompanied near and far the various events in Israel and abroad during those crucial years. The aforementioned differences in the ideological leanings and political biases of these weeklies conveyed different biases of legal consciousness to their readers because each paper paved its road for the interpretation of reality under political influence.<sup>7</sup> At the same time, the weeklies had so many shared aspects that they had more in common than not, including their treatment of local heroes – which had implications for the status of the law at the time. A third reason for turning to children's weeklies is that, as is customary in social analysis of childhood-related content, these publications teach us something not only about our past but also about our present.

This research approach, which finds in children's papers the potential to indicate their educational approaches to law, demands an awareness of the living voice of law and the gravitational force of the reality in which, in general, the law operates. It is based on the idea that the status of law in a state derives from people's perceptions of and thoughts about law, the prevailing legal ideals in society, the arrangements that work alongside the law, and also – as it pertains to children – the role that adults consciously or unconsciously bestow on young people regarding messages. In the first place, it is argued in this approach that the law is not created out of thin air. Even after it regulates a given activity, it neither remains hermetically sealed nor totally follows the rule that regulates it directly; rather, it wends its way into life itself and is shaped in ways not always expected.<sup>8</sup> In other words, in addition to official rules created by the law and its overt operators – legislators, courts, litigants and

<sup>5</sup> For an illustration of the complex relationship among law, culture, identity and experience in which processes of establishment and influence take place, see Austin Sarat and Thomas R Kearns, 'Beyond the Great Divide: Forms of Legal Scholarship and Everyday Life' in Austin Sarat and Thomas R Kearns (eds), *Law in Everyday Life* (University of Michigan Press, 1993) 21–62. For a comprehensive article on this subject see Menachem Mautner, 'Law as Culture: Towards a New Research Paradigm' in Menachem Mautner, Avi Sagi and Ronen Shamir (eds), *Multiculturalism in a Democratic and Jewish State: The Ariel Rosen-Zvi Memorial Book* (Ramat 1998) 545 (in Hebrew).

<sup>6</sup> The historical roots of this sociological influence on research trace back to the approach of Realism to law as manifested in the thought of the American legal scholar Roscoe Pound, who had already, in 1910, noted possible gaps between rules per se and society's attitude towards them and the associated norms: Roscoe Pound, 'Law in Books and Law in Action' (1910) 44 *American Law Review* 12. On Eugen Ehrlich – another scholar of sociology of law and a contemporary of Pound's and his colleague in Europe – see Marc Hertogh (ed), *Living Law: Reconsidering Eugen Ehrlich* (Bloomsbury 2009).

<sup>7</sup> Talia Diskin, 'Law, Politics, and Education: Children's Periodicals in Israel's First Decade' (2021) 50 *History of Education* 647. On the term 'legal consciousness' in general see, for example, Susan S Silbey, 'After Legal Consciousness' (2005) 1 *Annual Review of Law and Social Science* 323.

<sup>8</sup> Menachem Mautner, 'The Hidden Law' (1998) 16 *Alpayim* 45 (in Hebrew).

others traditionally associated with law – law is also part of the dynamic daily life of every citizen and every person in the state. The law, sometimes in an invisible and complex process, manifests in every aspect of life – private and public, solemn and mundane – at all times, even if it seems light years away.

### 3. The meaning of 'law' in the transition from Yishuv to state

Israeli children's weeklies in the 1950s are turned to here not only because of the importance of these publications as aforesaid, but also in view of this time in the history of Israeli law. Although Israeli law has pre-state roots<sup>9</sup>, the first decade of the state was a formative period because of both the development of the legal field itself and the connection and interaction between law and politics, society, economy and culture.

It was during this decade that the three branches of government – legislature, executive and judiciary – were separated and the relationships among them were formed (the legislative branch receiving senior status and de facto power accruing to the executive branch and, within it, the Israel Defense Forces – IDF). It was decided, following fierce debate on the subject, that no written constitution would be produced and that, instead, Basic Laws would be enacted with the thought that they would be collected into a complete constitution at some future time (in the 1950 Harari Resolution, named after Yizhar Harari, who initiated it). The Supreme Court was established, the first and most influential generation of justices was appointed, and precedent-setting decisions were made in various areas. In addition, new and important arrangements in land control and citizenship were introduced, anchoring the outcome of the 1948 war in legal cement. Among the many important arrangements in public law that were made during these years<sup>10</sup>, some were provisional and others left their mark for generations to come; however, there is no doubt that many had great significance during this period of state-building. The primacy of the era is also reflected in the analogies that contemporaries sometimes drew between the new legal system at the time and the 'childhood' stage of life. As a case in point, in a speech delivered at the inauguration of the Supreme Court in September 1948, Justice Minister Pinchas Rosen said: 'Honorable judges: ... like a nanny carrying a newborn, here I give away this young boy, the most precious of all ... Let him stand up and carry himself and shine like the glow of the sky'.<sup>11</sup>

<sup>9</sup> Assaf Likhovski, 'Between "Mandate" and "State": Re-thinking the Periodization of Israeli Legal History' (1998) 19(2) *Journal of Israeli History* 39.

<sup>10</sup> Ron Harris, 'Israeli Law' in Zvi Zameret and Hanna Yablonka (eds), *The First Decade: 1948–1958* (Yad Ben-Zvi 1997) 244 (in Hebrew); Ron Harris, *Israeli Law: The Formative Years: 1948–1977* (Hakibbutz Hameuchad 2014) (in Hebrew). On day-to-day aspects of the struggle for the image of the state in relation to the law in its first decades see Orit Rozin, *A Home for All Jews: Citizenship, Rights, and National Identity in the New Israeli State* (Brandeis University Press 2016).

<sup>11</sup> A. Lazar, 'In an Impressive Ceremony, the Supreme Court of Israel Opened in Jerusalem', *Ha'aretz*, 15 September 1948. Pnina Lahav finds ambivalence towards the image of the Supreme Court in the metaphor. On the one hand, 'he' is the apple of the eye of a regime that sees law as a guiding light; on the other hand, it is only a small baby who has not yet matured and whose opinion is not equivalent to that of experienced statespersons: Pnina Lahav, 'The Courage and the Position: The Supreme Court in the First Decade of Its Existence' (1989) 14 *Iyunei Mishpat* 479, 484 (in Hebrew).

Beyond the dry letter of the law itself, attention is owed to the general and broad concept of the *rule of law*. This concept carries diverse meanings in academic research. Some scholars see it as a source of social cohesion, a hoop that holds together many and emphasises its restraining power and order, while others associate it with individual rights, critical thinking and democracy in a wide sense.<sup>12</sup> According to the latter view, the rule of law should be a guiding value and an optimal aide in overseeing society's laws and the conscience of its individuals. Over the past two centuries, various models of the rule of law have evolved, all sharing the concept of state law as a collection of identifiable guiding rules that are public, positivistic and stable.<sup>13</sup> By this standard, the rule of law exists wherever compliance with the law exists, both in a manner that follows its official language and in reference to the essence, content and spirit of the rules, themselves adapted to key social values. By this reasoning, promoting the fulfilment of the purposes of the law has the effect of strengthening the idea and spirit of legalism, whereas encouraging violation of the law, unless reasoned by a strong moral argument and unavoidable by a reasonable alternative, is considered an infraction of the rule of law. Thus, the rule of law as a value includes the expectation that citizens would obey laws based on the promotion of fairness, while illegalism is defined as a counter-tendency.<sup>14</sup> It is also assumed that those who obey the law must do so from a strong internal position, because a legal society – one that treats law as a true, positive and leading value, as the legal philosopher HLA Hart noted – includes those who contemplate its rules from an internal point of view. Notwithstanding all the foregoing, however, it is also assumed that compliance with norms that promote harm, unrestrained violence and outrageous injustice cannot be considered morally encouraged ways of realising the idea of the rule of law; they deserve condemnation.

Discussion of the nature of messages conveyed to children in their weeklies also stirs an interpretive controversy, which exists in the study of the history of Israeli law, concerning the status of the rule of law in 1950s Israel. The bone of contention is about assessing the level of commitment of Israeli society to the rule of law. Some scholars emphasise the culture of lawbreaking that set in when statehood was attained. The late political-science researcher Ehud Sprinzak, for one, argued that many sectors of society and the general public were tainted by illegalism after the onset of statehood. This attitude, according to him, was characterised by cynical and pragmatic instrumentalisation of law, which stemmed from a political and civic culture that gave the devalorisation of the rule of law crucial support. The trend only intensified during the mass immigration years that followed because most immigrants from East European and Islamic countries, where concepts and practices related to democracy and the rule of law had not developed, did not bring with them

<sup>12</sup> Leon Sheleff, *The Authority of the Law and the Essence of the Regime* (Papyrus 1996). For additional definitions see Aharon Barak, *Interpretation in Law* (Nevo 1992); Menachem Hoffnung, *Israel: State Security vs. Rule of Law 1948–1991* (Nevo 1991); Amnon Rubinstein and Barak Medina, *The Constitutional Law of the State of Israel* (Schocken 2005); Shlomo Avineri, 'Obedience and Democracy' in Yuval Lurie and Haim Marantz (eds), *The Intricacies of Democracy: An Individual and a Society in a Democratic Regime* (Ben-Gurion University of the Negev 1990) (all in Hebrew).

<sup>13</sup> Franz Leopold Neumann, *The Rule of Law: Political Theory and the Legal System in Modern Society* (Berg 1986).

<sup>14</sup> HLA Hart, *The Concept of Law* (Oxford University Press 2012 [1961]) 197.

a civic culture of the advanced standards of Western Europe and the United States. In addition, the difficult security and material conditions under which Israel was established encouraged the suspension of the legal order by the country's leaders and the public. These tendencies towards the law also fit well with the revolutionary breezes that filled the ideological sails of the Zionist movement because the Zionist pioneering idea was based on a model of youthful rebellion, manifested in the very act of immigrating to the Land of Israel, building and settling in the country, and violating law and order by Jews that characterised the British Mandate period. The syndrome manifested in a variety of areas, from circumventing construction laws to illegal immigration that ensued when Britain's White Paper policies restricted Jewish immigration. As British rule came to be seen as a foreign and hated element, lawbreaking became an accepted standard of conduct in the Yishuv. As the Yishuv's attempts to infiltrate Jews (especially Holocaust refugees) illegally into the Land of Israel increased, lawbreaking became a constitutive ethos, a considered practice, and even a notable milestone in justifying the strong defence conceptualisation of the national act.<sup>15</sup> This even found its way into a famous statement by Prime Minister David Ben-Gurion in the context of the enactment of the Prevention of Terrorism Ordinance in 1948. Referring to claims that the ordinance contravenes individual freedoms, including freedom of expression and association, Ben-Gurion said: 'Those who oppose an effective war against terror use legal principles ... But the question is this: were we created for the legal Principle – or was the legal Principle created for us?'<sup>16</sup> Ben-Gurion's statement reflects a purposive approach to law: the law was created for us, not the other way around, and therefore it invites flexible reference.<sup>17</sup>

In contrast to this approach, which emphasises the illegal side of life in 1950s Israel, at the same time, it has been argued in research that this interpretation of reality reaches too far and overlooks legal aspects of the state and society that were characterised by a fairly well-developed legal culture that respected the principle of the rule of law.<sup>18</sup> Indeed, the basis for this approach is also broad. Its supporters noted the extensive legal tradition held by Jews before statehood, reflected

<sup>15</sup> On the heritage of illegality in the young State of Israel, and deficits in implementing official aspects of Israeli democracy, see Ehud Sprinzak, *Every Man Whatsoever Is Right in His Own Eyes: Illegality in Israeli Society* (Sifriyat Poalim 1986); Yonathan Shapiro, *Democracy in Israel* (Massada 1977) 35–40; Lahav (n 2); Menachem Mautner, *The Decline of Formalism and the Rise of Values in Israeli Law* (Ma'aleg Daat 1993) 122–23. On initiatives to implement norms of compliance with tax laws during the Mandate period and the first decades of statehood see Assaf Likhovski, *Tax Law and Social Norms in Mandatory Palestine and Israel* (Cambridge University Press 2017), and Assaf Likhovski, 'Citizenship Training: Creating Compliance with Israeli Tax Law in the 1950s' (2007) 98 *Zmanim* 46. On violation of construction laws during the Mandate period see Ofra Tene, *White Houses Will Be Filled: Daily Life in Tel Aviv Apartments during the Mandate Period* (Hakibbutz Hameuchad 2013) 32. The issue of illegal immigration has been studied extensively: eg, Anita Shapira (ed), *Clandestine Immigration: A Collection of Essays on the History of Rescue, Escape, Clandestine Immigration and Sh'erit Ha-Pleta* (Am Oved 1990) (all in Hebrew).

<sup>16</sup> Record of the Nineteenth Session of the Provisional Council of State, 23 September 1948, 16–17 (in Hebrew).

<sup>17</sup> The Prevention of Terrorism Ordinance was an initiative taken in response to the murder of the Swedish United Nations mediator, Folke Bernadotte, in Jerusalem by members of the Jewish underground Lehi (Jewish Freedom Fighters), a Sternist paramilitary organisation established in Mandatory Palestine but still active after 1948 in Jerusalem.

<sup>18</sup> Nir Kedar, 'Jewish Republicanism' (2007) 26(2) *Journal of Israeli History* 179.



in Jews' compliance with the law of diaspora countries after they lost their kingdom when the Temple fell. It was also noted that Jewish life in diaspora, with its lengthy history, included a variety of communal legal initiatives committed to the law. One well-known example is the Council of Four Lands, a representative organisational framework of the Jews in Poland between the sixteenth and eighteenth centuries, which assisted the authorities (for example, in collecting taxes), regulated community rules in respect of education, welfare and *kashrut*, and even exercised jurisdiction in various matters. Taking a big leap on the timeline, another example in the legal-procedural context is represented by the courts established by Jews after the Holocaust in displaced persons camps in Europe, which tried Jews who collaborated with the Nazis (not leaving them, say, to the judgment of survivors who might be motivated by anger and revenge).<sup>19</sup> With the consolidation of the Zionist movement and Jewish settlement in the Land of Israel after the first waves of immigration, Jews also knew how to act in selected representative frameworks, such as the Zionist Congresses from 1897 onward, the establishment of kibbutzim and neighbourhoods, and – when the state was established – the formation of the Israeli Knesset (parliament). At lower levels, one also encounters independent or complementary judicial initiatives to those of the Ottoman and Mandatory governments. These were not only alternatives to the laws of non-Jewish rulers but also realisations of new and superior legal institutions. Such were local 'popular courts' as the Hebrew Peace Courts (arbitration tribunals), representative bureaus established by women's organisations, and internal organisational courts such as the Histadrut members' court (an internal tribunal of the General Federation of Jewish Labour), an arm of the Zionist Labour Movement. Scholars also have observed the wish to follow rules within the framework of a judicial system during the War of Independence, presenting, among other things, documented evidence from the Jewish defence organisations that preceded the IDF and legal codes that regulated their activities. This conceptualisation also emphasised law as a significant player in personal fields such as intellectual property as well as in clearly public spheres such as welfare, in which efforts were made to address the social problems of abandoned children and women at risk. Concurrently, attempts were made to map crime and compose crime literature, playing a further part in the idea of establishing a rehabilitated society that has distinct normative boundaries.<sup>20</sup> Thus viewed, Israel

<sup>19</sup> Rivka Brot, *The Gray Zone: The Jewish Kapo on Trial* (Berg Foundation at Tel Aviv University, The Open University of Israel and The Ben-Gurion Institute for Israel and Zionism 2019) (in Hebrew).

<sup>20</sup> On the local 'people's courts' see Yaffah Berlowitz, 'A One-Woman Court: The Story of Nehamah Puchachevsky as Local Feminine History' in Eyal Katvan, Margalit Shilo and Ruth Halperin Kaddari (eds), *One Law for Man and Woman: Women, Rights and Law in Mandatory Palestine* (Bar-Ilan University 2010) 325 (in Hebrew). On the Peace Courts see Ronen Shamir, *The Colonies of Law: Colonialism, Zionism and Law in Early Mandate Palestine* (Cambridge University Press 2000); on the Histadrut (trade-union federation) trials see Shani Bar-On and David de Vries, "'In the Procrustean Bed of Professionalism': Lawyers and the Making of the Histadrut Workers' Tribunals in 1920s–1930s Palestine' (2001) 8 *Labor, Society and Law* 15 (in Hebrew); on the concept of law in the workers' society see Avital Margalit, "'The Forests in which We Will Harvest the Honey': Law, Organization and Structure in the Workers' Society' (2003) 26(2) *Iyunei Mishpat* 451 (in Hebrew). On military jurisdiction in the War of Independence see Anat Stern, *Combatants on Trial: The Legal System of the IDF during the 1948 War* (Yad Ben-Zvi 2021) (in Hebrew). On copyright during the Mandate period see Michael Birnhack, *Colonial Copyright: Intellectual Property in Mandate Palestine* (Oxford University Press 2012). On welfare during the Mandate period see Deborah Bernstein, 'Gender,



had a legal heritage on which to rely and the 1950s were characterised by extensive legal activity in consideration of this. Moreover, even though Israel maintained military ties with Eastern bloc countries in 1948 in the bipolar world of the Cold War, there was no doubt that the young state sought to identify conceptually with the values of modern democracy and the free world.

Clearly, these two positions, representing broad brushstrokes, have or had different views on the status of the rule of law in the country's early years. One approach highlighted the lack of a law-supportive civic tradition and culture in young Israel. Its view of the country's legal reality was critical and tended to distance itself from real phenomena that reflected circumvention of the rule of law. The other approach emphasised the strict adherence of the legal and political system to the law and described positive aspects of reality concerning the law.<sup>21</sup> The characteristics of Israel as a Jewish state add to the complexity. Jewish society in 1948 sought to create a nation-state and gather the fragments of the national population from their dispersion under the new independent rule. However, the concept of a 'Jewish state', as Israel proclaimed itself to be, was not clear even then and encapsulated tensions and contradictions: first and foremost, the tension between the state being a shelter for the Jewish people (and preventing another Holocaust) and utopian Judaism, which advocated building an exemplary society – a state dominated by socialist left-wing ideologies, as opposed to one presided over by right-wing ideologies that support private capital; a country in which secular and religious models coexist tensely, and more.

#### 4. The weeklies

Children's weeklies in 1950s Israel were a prominent educational source as well as popular and leading leisure resources. Thus, they were a barometer for the examination of values, including the rule of law. Their association with the adult papers that published them was enormously important. *Davar liYeladim* belonged to the daily *Davar*, which, because of its connections with the Histadrut, was conspicuously influenced by the ruling party, Mapai (Labour Party), led by David Ben-Gurion. The children's paper, established in 1931, was published as a supplement to *Davar* until 1936, when it began to appear separately. *Mishmar liYeladim*, introduced as a supplement to *Mishmar* (subsequently *Al HaMishmar*, organ of the socialist Mapam (United Workers' Party)) in 1943, became a separate supplement in 1945. *Hatzofe liYeladim*, born in 1947, was affiliated with the Religious Zionist newspaper *Hatzofe Ha'aretz Shelanu*, an offspring of *Ha'aretz*, debuted in 1951. It was founded by Gershom

---

Nationalism and Colonial Policy: Prostitution in the Jewish Settlement of Mandate Palestine, 1918–1948' (2012) 21(1) *Women's History Review* 81; Tammy Razi, *Forsaken Children: The Backyard of Mandate Tel Aviv* (Am Oved 2009) (in Hebrew).

<sup>21</sup> The main researchers mentioned here – Sprinzak and Kedar – sought not to portray their assessments as too extreme. Sprinzak made it his goal not to describe all of the many facets of the political system in Israel but to identify only one aspect of it; he denied wishing to characterise illegalism as the overall character of Israeli culture. Kedar also sought to qualify his remarks, writing that he does not purport to undermine the broad thesis of illegalism during the establishment of the state. A careful and comprehensive examination of their statements, however, shows that they represent opposing positions on illegalism.

Schocken, who represented the Progressive Party in the Third Knesset and had strong connections with liberal civic circles. *Hatzofe liYeladim* was discontinued in 1964; the other three weeklies merged in 1985 to become *Kulanu* ('All of Us'), a new weekly edited by the last editor of *Davar liYeladim*, David Fayanas.

These four weeklies were not the only children's and youth papers that appeared in the first decade of Israeli statehood. Other noteworthy specimens of the genre are *HaBoker liYeladim* ('*HaBoker* for Children'), published between 1943 and 1948 and affiliated with the General Zionist newspaper *HaBoker* ('This Morning'); *BaMaale* ('Up the Scale'), the journal of the Working Youth movement; *Herut laNoar* ('Herut for Youth') of the right-wing Herut (Freedom) Party, and the Communist Party's children's weeklies, *Kol Ha'Am liYeladim* ('Voice of the People for Children') and *Kol haNo'ar* ('Voice of Youth', which, among other things, served as a refuge for the adult Communist newspaper when the government shut down the latter in 1953 for criticising it).<sup>22</sup> Poaley Agudat Israel, the labour affiliate of the Haredi ('ultra-Orthodox') Agudat Israel party, published *She'arim laNo'ar* ('Gates for Youth'). Agudat Israel itself published *Hamodia haTza'ir* ('Young Informer') during the period 1952–59; and the religious Bnei Akiva movement put out two: *Arugot* ('Flowerbeds') and *Zera'im* ('Seeds').

Several daily newspapers published supplements or sections for children. Thus, *HaBoker liYeladim* was closed in 1948 but in 1952 its parent paper, *HaBoker*, published a section for children. Other children's weeklies, such as *Ha'arets Shelanu*, were identified with a specific sector but did not receive party funding, as did *Shoshanim* ('Roses') issued by the Haredi publishing house Netzah. In addition to the distinctly sectoral papers, several vehicles were ostensibly unaffiliated with any movement or political stream; such was *Yedioth Ahronoth's* children's supplement. Other weeklies were devoted to specific topics, such as *Atidot* ('Fortunes: a Scientific Literary Collection for Youth'), published by the Department of Youth Affairs of the Zionist Executive and Massada Press in 1944–59; *Eitanim liYeladim* ('Strength for Children'), published by the Health Fund Center of the Histadrut during the Mandate period and twice a year between 1948 and 1964, covering education for healthy living; and *BeMahane Gadna* ('In the Gadna Camp'), produced by the Gadna pre-induction programme. Two commercial papers that appeared during the review period remain active today: *Etsba'oni* ('Thimble'), which appeals to pre-schoolers and early readers, inaugurated in 1952, and *Ma'ariv laNo'ar*, which turned up towards the end of the decade in 1957. Other publications for children and adolescents appeared throughout this era, including non-canonical literature often read eagerly and secretly.

However, the four papers on which this article focuses stand out from the rest for several reasons. First, they were tethered to solid adult print media, which sponsored them, relied on 'captive' readers and thus ensured their existence. The children's weeklies also used the adult newspapers' technological and human resources, and many contributors to the children's weeklies worked for the adult papers. The

<sup>22</sup> In what became a landmark decision in Israeli constitutional law, the Supreme Court overturned the Interior Minister's decision and set a precedent regarding the balance between freedom of expression and other public interests; see HCJ 73/53 '*Kol Ha'am*' *Company Ltd v Minister of Interior*; HCJ 87/53 '*Al-Ittihad*' *Newspaper v Minister of Interior*, IsrSC 7 871 (1953).

long-lasting stability of these publications led to the accumulation of clear and loyal readerships. Second, the market for children's literature was then quite limited, especially when it came to original materials written in Hebrew – so that the weeklies had a major advantage in the field/market. Third, these papers were very accessible; they were published regularly and distributed to subscribers each week and therefore became part of their readers' weekly routine. In addition, alongside their traditional customer base, these children's weeklies crossed sectors. Thus, *Davar liYeladim* and *Mishmar liYeladim* competed for children from kibbutzim and in ideologically mixed cities, so that one boy or girl could read more than one weekly. Moreover, unexpectedly, children who attended schools that were considered secular also wrote for *Hatzofe liYeladim*, and youngsters from kibbutzim also wrote to *Ha'arets Shelanu*. All of these points together imply that the papers were powerful media. Finally, they derived power from the additional fact that many of their most popular content suppliers at the time (such as authors and illustrators), who also enjoyed canonical status in the general culture, took part in their creation.

## 5. The declared commitment of the children's weeklies to the rule of law

An important basis for the discussion that follows is the insight that the children's weeklies of 1950s Israel saw themselves as role models and moral educators, and affirmed their commitment to law. First and foremost, their writers stressed the need to embrace the path of compliance with the state's rules, a cause that figured prominently in the 'serious' sections – the editorial columns and news pages – sometimes even before statehood and in anticipation of the impending new regime. In this sense, it was a time of hope. In March 1948, the author (and later the first IDF Chief Education Officer) Aharon Ze'ev foresaw that a new government would be formed if the United Nations voted, as expected, in favour of final recognition of the Jewish state. As he wrote, he highlighted the legal character of the new entity:<sup>23</sup>

It would be the first Jewish government after more than eighteen centuries. Throughout these long years, we have been ruled by non-Jewish governments. We had to follow their laws and orders even when evil decrees, disgrace, and disaster were brought upon us. The Jewish Agency Executive and the Jewish leadership of the National Committee will lead all hopes for redemption, independence, and a life of honour. They will be our governing council, a government that will always care for the needs of the people of Israel in mind. Their thoughts and discussions, their rules and commandments will be of benefit to us; they will amplify our power and ensure our happiness ... We will be ruled by the elected representatives of the people, abide by their law, and follow their orders.

<sup>23</sup> Aharon Zeev, 'Pay Attention: The Peoples' Representatives Will Rule!', *Davar liYeladim*, 11 March 1948, 378 (in Hebrew).

Among other things, the papers noted the departure from the country of the legal representatives of the Mandate government, its police and soldiers. When the Mandate ended, the editor of *Mishmar liYeladim*, Benjamin Tene, wrote:<sup>24</sup>

The last British soldier has left our borders. A sad affair of foreign rule over us has ended. Who among you children will ever forget the British policeman and soldier who used to walk the streets of our country and look down on us as a member of the ruling nation? ... Many of our memories are so painful: malicious laws, land laws and restriction of immigration. Immigrant hunting. Weapons searches. And schemes, schemes ...

Contributors to the papers noted that the role of the law is to ensure democracy, order, peace and security; independence is immeasurably important since the Jews are a persecuted and oppressed minority in their countries of exile. Yosef Yambour, also at *Mishmar liYeladim*, wrote:<sup>25</sup>

We want to be a democratic state and our police will strive to maintain peace, order, and security of the population ... Bribery will not exist in Israel ... Then we will all feel ... after two thousand years – what it means to have a police force that works for the people.

Later, too, the weeklies would depict sovereign life of law – and compliance with law – as a positive dynamic. Didactic reminders of the role of law and order were often given. One would expect this of *Davar liYeladim*, but it was also characteristic of *Ha'arets Shelanu*; its editor, Benjamin Tammuz, explicitly supported children's involvement in maintaining public order and encouraged his readers to keep the law by attacking criticism of children who cooperated with the police in educational initiatives by helping to direct traffic. In the mid-1950s the editorial board of *Ha'arets Shelanu* held an essay competition with the title 'If I Were Minister of Police'.<sup>26</sup> *Hatzofe liYeladim*, the religious weekly, while emphasising biblical and Talmudic Jewish law, also gave the laws and institutions of the new state its backing. Just before the first Knesset elections, for example, its news sections described the legal and democratic process excitedly, and also positively noted specific laws and the emerging administration, including the establishment of the Supreme Court.<sup>27</sup> Ahead of the first anniversary of independence, one of the papers ran an image of the Declaration of Independence – which, although not recognised at the time as legally binding, already had constitutional status – alongside a poem of praise to God by the poet

<sup>24</sup> Benjamin Tene, 'An End to Mandate Rule', *Mishmar liYeladim*, 8 July 1948, 2. See also 'From Within and Without: With the Last British Soldier', *Mishmar liYeladim*, 8 July 1948, 13 (both in Hebrew).

<sup>25</sup> Yosef Yambour, 'The Jewish Police', *Mishmar liYeladim*, 15 July 1948, 11–12 (in Hebrew).

<sup>26</sup> 'Between Us', *Ha'arets Shelanu*, 8 July 1953, 2; 'If I Were Minister of Police ...', *Haarets Shelanu*, 10 May 1955, 15 (in Hebrew).

<sup>27</sup> From *Hatzofe liYeladim*: 'From the World Over: New Law and Administration', 'The Supreme Court', 23 September 1948, 654; 'Current Affairs: Elections for the Israeli Parliament', 2 December 1948, 102; 'The Knesset Elections', 10 January 1949, 194–95; 'Current Affairs: The Israeli Parliament', 3 February 1949, 210; Avraham Yaacov HaCohen Brauer, 'The Elections', 10 February 1949, 229–30 (all in Hebrew).

Shlomo Skolsky.<sup>28</sup> With the death of Transportation Minister David Zvi Pinkas (of the Mizrahi party, sponsor of *Hatzofe liYeladim*) in 1952, the weekly praised his work (as one would expect as a result of the political connection) but also noted his contribution to the country's tax regime while chairing the Finance Committee of the First Knesset.<sup>29</sup> When the Knesset opened its 1953 winter session, its legal work was reviewed alongside a photo of children waiting near the Knesset building to receive autographs from Knesset members and ministers (!).<sup>30</sup> And on another topic – one certainly more important than all of these in the eyes of the young readers: in 1952, next to an article about the Israeli police appeared one by Yigal Mossinson. Mossinson was press officer and spokesman for the police from 1952 to 1954, but for children back then he was first and foremost a celebrity as the sole author of an extremely popular book series, *The Hassambah Gang*. Now writing as a police officer, however, Mossinson told the readers that the policeman today is nothing but their friend, and that mothers who threaten to call the police if their children misbehave (a common tactic at the time, the goal being to get the kids 'to clean their plates') are acting unwisely.<sup>31</sup> His advice aside, Mossinson's statement may be seen as part of a general effort by the weeklies to enhance the prestige of the police and counteract the poor image that they had inherited from the now-departed British police.

As the values of religion and state clashed, *Hatzofe liYeladim* mostly sided with the state and its laws. When the police caught a criminal underground organisation of religious youths who violently fought against the raising of swine – a very sensitive issue for the religious – the weekly condemned their actions and pointed out that Israel is a state of law, to which everyone is subject. Although pig farming is a malignant disease that corrupts the public, the editor counselled, children must disapprove of such acts of violence and intimidation because the state has an elected government. Even though this government does not observe Torah law, he explained, it is a Jewish government that administers 'our law', that is, 'a law of our own'. Another editorial in *Hatzofe liYeladim* reflected the critical attitude of the Religious Zionist weekly towards the Haredi residents of the Meah Shearim neighbourhood of Jerusalem for not recognising Israel and its laws. The readers of *Hatzofe liYeladim*, unlike these Haredim, were expected to recognise Israel and Zionism, and respect the laws of the state.<sup>32</sup>

The weeklies expressed the commitment to law in mundane affairs, too, as with regard to the rationing (austerity) regime that the government had introduced in the early statehood years. The programme was accompanied by mass recourse of the population to the black market. The weeklies protested against this, wishing to instil the need to obey the rules and avoid the black market. Thus, the acting editor of *Davar liYeladim*, Bracha Habas, crowned her young readers 'small consumers'

<sup>28</sup> Shlomo Skolsky, 'We Thank You', *Hatzofe liYeladim*, 5 May 1949, 358 (in Hebrew).

<sup>29</sup> 'A Great Minister Is No Longer with Us', *Hatzofe liYeladim*, 20 August 1952, cover page and 695 (in Hebrew).

<sup>30</sup> Y Even Chen, 'The Knesset in the Capital City', *Hatzofe liYeladim*, 11 November 1953, 144–45 (in Hebrew).

<sup>31</sup> 'A Letter from the Author of *Hassambah* to the Readers of *Hatzofe liYeladim*', *Hatzofe liYeladim*, 17 September 1952, 666 (in Hebrew). See also Talia Diskin, "'The Policeman is Your Friend': Police in Children's Periodicals in Israel's Transition from Yishuv to State' (2019) 1 *Police and History* 150 (in Hebrew).

<sup>32</sup> A.B., 'Meah Shearim', *Hatzofe liYeladim*, 18 May 1955, 8–10 (in Hebrew).



**Image 1.** Cartoon figure Uri-Moori fights the black market while holding a brush dipped in white paint  
 Illustrator: Aryeh Navon, *Davar liYeladim*, 18 October 1950, 104

and wrote that they, too, are taking part in the war on black-market criminality: 'You may not be selling and buying, but you are very important partners in the affairs of the black market ... We all want to be healthy and cheerful, but you should know that this is not a time for luxury in Israel. All of us, big or small, must make do with little'.<sup>33</sup> In one text, the renowned Israeli author Leah Goldberg recommended rereading the (translated) works of the Jewish-American Yiddish poet Kadia Molodovsky and, especially, Molodovsky's iconic book *Open the Gate* (1945; in Hebrew: *פתחו את השער*), written about poor diaspora children who behaved modestly yet were happy. Readers were also encouraged to grow crops in their gardens and raise farm animals, especially chickens, so that 'Mother won't have to turn to the black market'.

Sometimes, the papers described heroic feats with regard to austerity, as in stories about children catching speculators, perhaps inspired by tales such as Erich Kästner's *Emil and the Detectives* (which by then had been translated into Hebrew and published in Israel). Most of the writing, however, did not discuss heroism, explicitly or implicitly. It related to reality and suggested ways to cope with it, and even in cartoons and comic strips it plainly encouraged readers to handle the situation with a smile, rather than praising heroes for acts of derring-do (see [Image 1](#)).

## 6. Legal heroes in the children's weeklies – on the borders

Things were different when it came to national security, an arena of fierce confrontation between Israel and its enemy neighbours in the 1950s. Generally, of course, the

<sup>33</sup> Bracha Habas, 'The Children Will Help the Government!' *Davar liYeladim*, 11 October 1950, 74 (in Hebrew). On austerity in the weeklies see at length Talia Diskin, 'Socializing Austerity: Imparting Legal and Moral Values in Children's Periodicals during Israel's First Years' (2021) 14(1) *Journal of the History of Childhood and Youth* 44–62.



concept of 'border' itself is a clear example of a case study in compliance with the law and also a metaphor for it; after all, breaking the law is the crossing of a border and the state's borders are also legal constructs, however woven into social norms they may be. Therefore, interestingly, heroes were defined in the weeklies – overtly, in the context of the security situation on Israel's borders, and covertly, in respect of the rule of law.

Indeed, the legal context of Israel's frontiers is unique and has been a central issue in state security all along. When the 1948 war ended, its neighbours – Jordan, Lebanon, Syria, and Egypt – did not recognise the country and refused to discuss permanent international borders. In practice, however, through UN mediation, most borders were demarcated in bilateral armistice agreements.<sup>34</sup> The young State of Israel, born out of war, victorious but bruised, was poor, lacking in natural resources and tiny in territory (about 20,000 square kilometres in total). Israel had paid a heavy price for its victory: approximately 6,000 dead, about 1 per cent of its Jewish population, and twice as many wounded, not to mention damage to frontier communities and disruption of ongoing economic life. The nation-building years were demanding, accompanied by the constant need for protection, creation of infrastructure and absorption of immigrants, with all that this entails, under extremely difficult circumstances. At the same time, the new state also had to recognise its borders and internalise their meanings.

However, the frontiers did not remain hermetically sealed. Gradually but intensely – perhaps also because the IDF adopted a policy of 'shoot to kill' in June 1948 – with growing momentum in the early 1950s, infiltrators began to reach the Jewish inhabitants of the country. Their raids, sometimes driven by political motives, were organised by the heads of refugee clans, the Arab Higher Committee, and the erstwhile Mufti of Jerusalem Amin al-Husseini, as well as at the initiative of Arab government officials and military officers. In the spring of 1954, Egypt activated the *fedayeen*, small units that carried out murders and sabotage inside Israel along its southern border, and did so with greater intensity after the IDF undertook a reprisal operation in the Gaza Strip in early 1955. Although they caused less murder and sabotage than property damage during that decade, the *fedayeen* made infiltration Israel's foremost military and political problem, one that had the symbolic aspect of defining the boundaries of the state.

Unsurprisingly, then, children's weeklies defined 'heroes' at large as related to national security. Indeed, the country's general cultural heroes at that time were the defenders of the country: police and especially soldiers, who were perceived as essential for the security of the new state. Interestingly, however, the field of defence also yields insights into the legality of other, new heroes, in a way that affected the meaning of the status of the rule of law.

The background to this part of the analysis is the morally sensitive attitudes of Israeli Jews to the borders in the 1950s. This sensitivity was traced, foremost, to the Israeli military reprisals undertaken beyond the borders. These violent operations, which raised political and moral questions with regard to attacks on civilian targets,

<sup>34</sup> On the legal situation of Israel's borders in the 1950s see Talia Diskin, *The Law and the Child: Legal and Social Discourse in Children's Journalism in Israel's First Decade* (Berg Foundation at Tel Aviv University and The Ben-Gurion Institute for Israel and Zionism 2022) 125–27 (in Hebrew).



continued to characterise the first decade of the state even after the Qibya operation in Jordan in October 1953, which focused public attention on the issue.<sup>35</sup> Second, on a different level than the reality of infiltrations and problematic reprisals, adventurous Israelis found crossing the borders, particularly into Petra in Jordan, a desirable aim.<sup>36</sup> On the third and an additional level, behind the attitude towards borders stood longings and yearnings for spaces (to reach desired places, to save Jews in distress, or for other reasons). These found prominent expression in the literature, as well as in comic strips, in the weeklies.

### 6.1. Ordinary civilians – frontier heroes

Even as the military reprisals and their related political and moral questions divided Israel's leadership, the most prominent controversy of the 1950s broke out between Prime Minister David Ben-Gurion and Moshe Sharett, Israel's first Foreign Minister and second Prime Minister. Ben-Gurion supported active defence, seeing reprisal as an essential component of Israeli strategy. Sharett, in contrast, generally advocated a policy of restraint and moderation. In practice, Ben-Gurion's approach prevailed over Sharett's: the security policy that characterised those years was one of attack. It also prompted the establishment of Commando Unit 101, commanded by Ariel Sharon, in August 1953, which carried out reprisals in Arab countries.

This unit was also associated with the most acute illustration taken by the weeklies on border illegality: the Qibya operation or massacre. Qibya was a Jordanian village which the IDF targeted in what was perhaps the most known reprisal operation in Israel's early years, precipitated by a triple brutal murder by terrorists. On the night of 12–13 October 1953, infiltrators from Jordan entered Israel and threw a hand grenade into a house. The mother, Susan Kenias, and her small children, 18-month-old Benjamin and four-year-old Shoshana, perished in the explosion. The terrorists fled to the vicinity of Rantis village, about five kilometres north of Qibya. Following the murders, the security cabinet (Sharett not in attendance) decided to deploy the army and send Sharon's Unit 101 and soldiers from the 890th paratrooper battalion to carry out a reprisal in Qibya.

The reprisal, called Operation Shoshana after the murdered daughter, took place on the night of 14–15 October 1953. Ben-Gurion was on vacation; Minister without Portfolio Pinchas Lavon acted in his stead as Minister of Defence. The order, issued by Central Command, instructed the troops to attack the village and cause maximum damage.<sup>37</sup> Although it has been argued in research that the resulting mass killing was not carried out 'intentionally',<sup>38</sup> the outcome was the death of at least 69 Jordanians, including children. Israel immediately denied its involvement in the operation. In a speech broadcast on national radio on 19 October 1953, Ben-Gurion denied all participation by IDF forces and implied that the deed must have been carried out by civilians living near the border whose patience had run out. The Israeli

<sup>35</sup> Benny Morris, *Israel Border Wars, 1949–1956: Arab Infiltration, Israel Retaliation, and the Countdown to the Suez War* (Am Oved 1997) 129–51, 192–98 (in Hebrew).

<sup>36</sup> Nessia Shafran, *The Red Rock: The Forbidden Travels to Petra* (Yad Ben-Zvi 2013) (in Hebrew).

<sup>37</sup> Efrat Seckbach, *Legend and Memory: The Myth of Unit 101 in Israeli Public Discourse* (The Ben-Gurion Institute for Israel and Zionism and Yad Ben-Zvi 2020) 77–85 (in Hebrew).

<sup>38</sup> *ibid* 37.

public soon realised, however, that it had been a military action carried out by order of the leadership.<sup>39</sup>

Notably, in philosophical research there is strong controversy regarding the justification of punitive actions such as Israel's reprisal operations in the 1950s, which the United Nations, the highest authority in the matter, denounced as they occurred. However, even philosophers who justify punitive actions in principle, such as Michael Walzer, believed that they should be minimised and not involve civilians because of the danger inherent in the problematic integration of emergency practice into routine.<sup>40</sup> As soon became clear, the act was also unacceptable according to the interpretation of the member states of the United Nations, the international organisation that Israel joined in 1949. The Arab states and world powers brought the matter before the UN Security Council, which severely reprimanded Israel on 24 November 1953.

As the Israeli historian Benny Morris has shown, editors and reporters of the country's adult newspapers knew about the Qibya operation by 15 October 1953, or at the latest by the night of 15–16 October, because the news agencies, the BBC and Arab radio stations reported the scale of the incident and the number of civilians killed. Therefore, it stands to reason that the editorial boards of the children's weeklies were aware of it too. These papers, however, did not rush to cover the incident, and when they did, they did not share all the details, to say the least. In an editorial column in *Davar liYeladim* published at the end of October, for example, journalist Israel Neumann repeated Ben-Gurion's position, as presented on the radio broadcast, that it was 'stupid and fantastic' to allege that IDF soldiers had participated in the operation against Qibya. Neumann refrained from criticising the Israeli civilians who had, so it was said, killed the Jordanian civilians, and wrote that responsibility for this action lay with Jordan, which for years had been encouraging murder and robbery attacks against Israelis.<sup>41</sup> In this way, young readers could adduce that the action had been perpetrated not by the IDF but by Israeli civilians, who, above all, should be criticised neither for this nor for similar actions in the future.

The other weeklies took a similar approach, although the timing of their responses and the writing methods they embraced differed. *Hatzofe liYeladim* mentioned, only about a week after the operation, that the murder of Israeli citizens prompted the reprisal in Qibya, and justified it as such.<sup>42</sup> About a month after the UN Security Council condemned the operation (in late November 1953) and because of Jordan's refusal to continue talks with Israel on other issues, the paper said that Israel's outstretched hand for peace had been spurned, and therefore: 'How can they complain to us about unfortunate incidents? It is Jordan that must bear all the consequences of the murders and the infiltration'.<sup>43</sup> About three months

<sup>39</sup> Benny Morris, 'The Israeli Press in the Qibya Affair' (1996) 8 *Theory and Criticism* 33, 36 (in Hebrew).

<sup>40</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (Basic Books 2006) 207–09.

<sup>41</sup> Israel Neumann, 'From Near and Far: Between Israel and the Arabs', *Davar liYeladim*, 28 October 1953, 106. After the UN reprimanded Israel for the act, Ben-Gurion was quoted as saying that the resolution discriminates against Israel and encourages the provocation of border criminals. See also Israel Neumann, 'From Near and Far: The Rebuke to Israel', *Davar liYeladim*, 2 December 1953, 186 (all in Hebrew).

<sup>42</sup> 'Galia Writing to You', *Hatzofe liYeladim*, 21 October 1953, 91 (in Hebrew).

<sup>43</sup> 'Echoes from Our Days – Jordan's Refusal', *Hatzofe liYeladim*, 6 January 1954, 266 (in Hebrew).

after the operation, a boy's letter was published in the Letters section, justifying the vengeance and collective punishment that the border residents had supposedly applied. The message implicit in his forgiving words was the condoning of violence: 'One night it was decided to give the murderers their payback. When the moon rose, the residents set out to take revenge'.<sup>44</sup>

In the socialist paper *Mishmar liYeladim*, the action was reported very briefly and only after the UN had debated it. The editorial defined the international discussion of the operation as a spin that silenced debate over the failure of the Suez Canal talks between Israel and Egypt.<sup>45</sup>

Once again, the Middle East 'conquered' the headlines in most of the world's newspapers ... Incessant attacks by infiltrators in Israel and the act of retribution for the murder of a mother with her children; Syria's complaint about the Jordan project; all may obscure the importance of a political event, which took place these days at the most sensitive point of our region: the Suez Canal.

The text was published two weeks after the incident. Immediately after the operation, for example, an op-ed in *Mishmar liYeladim* concerned itself with Guyana, the British crown colony in South America, and its fight for freedom.<sup>46</sup>

An especially interesting response was that of *Ha'aretz Shelanu*, a weekly that under other circumstances came across as very, maybe the most, liberal of the weeklies (for example, it was the most likely to address the need to improve the status of Arab citizens of Israel<sup>47</sup>). However, of all the weeklies, *Ha'aretz Shelanu* expressed understanding of the act. In early November, when the operation had already become widely known, a contributor to *Ha'aretz Shelanu* justified the civilians who had allegedly participated in the incident:<sup>48</sup>

Those whose destiny or national conscience has placed them near a border have a special status because their living conditions are incomparably more difficult and severe than are those of other Israelis who live far from it. This is a class that has needs of its own. It should have its own newspapers and its own deputies in the Knesset, like any other class in the nation (merchants, industrialists, farmers, etc.) ... And here is this class, whose sons and daughters tremble in their beds night after night, their homes becoming their graves because of the murderous infiltrators on the borders who constantly harass them – the voice of this class is hardly heard in the newspapers or in the Knesset ... It is easy to maintain moral principles when someone else pays the price; it is easy to preach moral panic in the newspapers and in the Knesset, but ... can we condemn them for doing what they did in Qibya? And those who claim in Israel and abroad

<sup>44</sup> Meir Rachmani, 'Avenging the Murderers', *Hatzofe liYeladim*, 20 January 1954, 311 (in Hebrew).

<sup>45</sup> Elyakim, 'From Within and Without: Questions on the Future of the Suez Canal Failed', *Mishmar liYeladim*, 28 October 1953, 119 (in Hebrew) (emphasis added).

<sup>46</sup> Elyakim, 'From Within and Without: Guyana Fights for Its Freedom', *Mishmar liYeladim*, 21 October 1953, 103 (in Hebrew).

<sup>47</sup> Diskin (n 34) 53–54.

<sup>48</sup> 'In Israel and Abroad: Those Who Sit on the Borders', *Ha'aretz Shelanu*, 4 November 1953, 2 (in Hebrew) (emphasis added).

*that we must condemn the act in Qibya should not sit back safely in their homes but rather get up and go to the border, worrying night and day for the fate of their wives and children, and only then will they be entitled to condemn them.*

The message transmitted to the children who read this text was likely to reflect an ambivalent, two-faced view of the rule of law. The border dwellers are deprived, it was claimed, because they suffer from the infiltrators' harsh hand. This gives them a special status worthy of equal representation in Israeli democracy. However, it also promotes the idea that civilians killing civilians is morally acceptable, a matter worthy of emphasis also at a time when the non-participation of any Israeli civilians in responsibility for the killings was already known.

This pattern of writing should be understood in the context of its time. The reprisal operations, increasingly frequent at this time, earned public sympathy because of the constant sense of catastrophe and the atmosphere among residents who suffered from the infiltrators' deeds. They bolstered Jewish-Israeli national morale and currently helped Israel to realise its settlement policy. The myth of Unit 101 and the paratroopers who took part in this reprisal and others, which were not considered overly extreme in contemporary eyes, was at its peak. The Israeli public in general was not especially moved by the Qibya operation and opposed its condemnation in the UN. The scant attention to the incident in *Mishmar liYeladim* may allude to some ambivalence towards the action but seems more to reflect an unreserved acceptance of its necessity despite its already-known serious consequences. *Mishmar liYeladim* was the only weekly that withheld explicit support of illegality committed by the army or by ostensibly reluctant heroes – civilians on the frontier; however, it neither condemned it nor even discussed it in a much broader context. Thus, even though issues of revenge, punishment, fairness and deterrence were debated in the social discourse, showing that moral questions did trouble parts of Israeli society,<sup>49</sup> the attitude of these weeklies towards the reprisals generally, and the Qibya operation in particular, illuminates the way in which the rule of law was perceived in those days. By presenting the Qibya raid as a direct and necessary consequence of the security situation, one that any Israeli Jewish civilian could have carried out on their own accord, with an excuse (however emotionally understandable) and without condemnation, the weeklies reveal the point from which they examined morality. The operation was known to be morally controversial when it was discussed in writing (even if it had been carried out under an operational military order), and supporting it while presenting it as a legitimate act of revenge by civilians, or ignoring it while it was on the international agenda, echoed the status of the rule of law. The weeklies' justification for the action actually supported similar actions by civilians as acts of revenge, and even ignoring it when it was on the international agenda, echoed a message that legitimised future immoral, and even illegal actions.

It seems, therefore, that the terror in which the affair was shrouded left its mark on the children's weeklies; aside from the terror and personal sacrifices that spiced the back story of the operation, the treatment of the affair in the weeklies also

<sup>49</sup> Historian Benny Morris analysed the response of Israeli adult newspapers to the operation and found it marginal. The only significant moral critique put forward, he notes, was by Yeshayahu Leibowitz, in a marginal weekly (15 December 1953): Morris (n 39) 46.

reflects the danger of making war – including the normalisation of violence, the infringement of human rights, and the destruction of moral values, primarily the harming of innocents – part of the culture.

### 6.2. *The Petra hikers: Heroism beyond the Israeli–Jordanian border*

In the realities of life in 1950s Israel, it was a widespread phenomenon for young people, including adolescents, to set out on outings, cross into Jordan, and visit the ancient Nabatean city of Petra. In the collective Israeli memory, this is remembered as the fulfilment of a romantic wish that sometimes escalated into security incidents. However, there was also a legal side to it because those who crossed the border broke the law in so doing. The legal context of the trips to Petra also came up in the Knesset from time to time. A query submitted by Member of Knesset Israel Rokach (General Zionists Party) to the Minister of Police, Bechor Shalom Sheetrit (Mapai), about the large number of victims of visits to the Red Rock in Petra, show how hard it was to enforce the ban on border crossing. Sheetrit explained the criminal aspect of the act:<sup>50</sup>

Wherever concern is called to the attention of the police that people are heading in the direction of the Red Rock, it uses all means at its disposal (people, vehicles, aircraft) to locate these people and prevent them from doing it ... Since the trip is a criminal offense, the police will bring any case to justice where sufficient proof exists.

Underlying the idea of going to Petra was the idea of longing for open spaces, a concept easily found in diverse cultural sites and relating to the image of the Sabra as close to nature and disdaining danger.<sup>51</sup> This aspiration was expressed in education for love of the Land of Israel and tangible familiarity with its landscapes even before statehood, when tours of the country served to instil a national spirit in the souls of young people and to plant a sense of possessiveness of the land. The desire to differentiate from the provincial and withdrawn diasporic 'old' Jew gave rise to the aspiration to conquer the land through one's feet, to anchor a sense of proprietorship, and to combine childhood curiosity with the construction of an alternative to the adult world and a yearning for the region's landscape.

In the diaspora, too, heading into the open country as a value characterised the lives of Jewish children and youths in the years leading up to statehood, both in youth movements and in personal rites of freedom. A prominent example of a youth organisation that realised the idea was the German-Jewish Blau-Weiss (blue-and-white, the Zionist colours), established in 1912 under the influence of the German youth movement Wandervogel (Wandering Bird). Wandervogel instilled values of love of homeland, admiration of nature, and the simple life, mainly by hiking around

<sup>50</sup> 'Q&A', Minutes of the Israeli Parliament, *The Knesset Plenary Records (Divrei Haknesset)*, meeting 379, The Third Knesset, 23 December 1957, 468. See also *The Knesset Plenary Records (Divrei Haknesset)*, meeting 262, The First Knesset, 6 June 1951, 1960 (in Hebrew).

<sup>51</sup> On the term 'Sabra', a native of the Land of Israel, symbolising a cultural archetype characterised by strong connections with the land, rough but also soft-hearted, a Zionist in every fibre of the soul, see, eg, Oz Almog, *The Sabra: A Profile* (Am Oved 1997) (in Hebrew).

Germany. In the first decade of the twentieth century, it began to acquire nationalist and antisemitic characteristics. Blau-Weiss, established in response to this and spreading to other European countries, continued to promote the ideas of the original movement as well as values of Jewish heritage and culture.<sup>52</sup> Elsewhere in the world, too, outings on foot were a popular aspect of daily life among groups of children, albeit in a less organised manner. In an essay published in 2006, author Sami Michael, originally from Iraq, described his childhood days in Baghdad (from where he had immigrated to Israel in 1949), longingly recalled the roaming habit that characterised the urban culture of Iraqi Jews, and described his surprise at the attitude towards the act of wandering in Israel in the 1950s, when it was defined as a criminal offence.<sup>53</sup> The legacy of the organised youth movements, the daily culture practised in certain countries, and the desire to differentiate from the ancient Jewish image and establish a new and active Jewishness, apparently found expression in the yearning to venture outside the spheres from which the laws were passed.

Nessia Shafraan – a historian who probed the secret of young people's attraction to dangerous and illegal outings, in general, and those to Petra, in particular – argued that the yearning for the Red Rock combined the desire to have a unique experience with making a statement about the wholeness of the Land of Israel, and wishing to break through the borders of a closed country surrounded by enemies. According to Shafraan, the first five hikers to perish for this cause (in August 1953) were former members of the Palmach, the pre-state and early-statehood commandos, who had not yet assimilated the meaning of the mortal danger. Those who went to Petra in 1956–57 already belonged to the statehood generation and saw the journey as a personal challenge.<sup>54</sup> There was also a social aspect that glorified the visitors to Petra. Thus, in his childhood memoir, Israeli children's author Yehuda Atlas dedicated a lengthy chapter to the phenomenon of Petra and to Arik Magal, a member of his farming village, who was killed on the way there. Atlas wrote:<sup>55</sup>

The Myth of Petra was kind of *bon ton* in those days, a collective dream entrenched in the mind, that stirred the souls and symbolised the zeitgeist – at least for the young. In a sense, Petra was 'ours'. It was an object of longing for young people, something worth risking for. See Petra and die!

When border crossing into Petra began to claim casualties, it drew the attention of the editors of the children's weeklies. However, although the editors were largely protective and warned children against the danger, they did not fault the outings on legal grounds and treated the whole thing leniently; they identified those who visited Petra with virtue, daring and fulfilment of worthy values. The visitors were presented as heroes: individualistic travellers who, in their innocence, put themselves to a test of courage and passed it bravely; fearless warriors whose deaths were

<sup>52</sup> On Blau-Weiss see Hannah Weiner, *Vibrant Youth in a Complacent Community: The Zionist Youth Movements and HeHalutz* (Yad Tabenkin and The Chaim Weizmann Institute for the Study of Zionism and Israel 1996) (in Hebrew).

<sup>53</sup> Sami Michael, 'First Orphanacy', *Ha'aretz*, Passover supplement 10 April 2006 (in Hebrew).

<sup>54</sup> Shafraan (n 36).

<sup>55</sup> Yehuda Atlas, *Child – Childhood and Youth – Glimpses* (Am Oved 2017) 293 (in Hebrew).

bundled with national heroism. Thus, for example, was the case with *Ha'aretz Shelanu* in covering the case of Oded Wagmeister's and Shoshana Har-Zion's border crossing. Although neither of them reached Petra itself – they were murdered on the way – it was only symbolic that it was the Har-Zions who were bound up in the myth of Petra. Shoshana Har-Zion was the younger sister of the famous IDF commander Meir Har-Zion,<sup>56</sup> one of Ariel Sharon's first recruits and an object of hero worship. In his youth he had travelled extensively around the Land of Israel and often crossed its borders. The legendary Har-Zion became Sharon's adviser on operations and the embodiment of Unit 101's daring; his aura ennobled his sister's death and cemented the myth of Petra with the justified war against the Arabs. In its coverage, *Ha'aretz Shelanu* emphasised two exalted qualities of the two travellers: their youth and their being enthusiastic hikers who were well acquainted with the remote trails of the country: 'Thus two innocent young people, lovers of their homeland, paid with their blood the price of hostility between the two countries'.<sup>57</sup> Similarly, *Hatzofe liYeladim* described four other dead as having 'fought to the last bullet ... true hiking enthusiasts who knew the length and breadth of the country'.<sup>58</sup> The illegality of the act went unmentioned.

Even in their few condemnations of the phenomenon, the children's weeklies stressed their concern for the hikers' safety rather than the rule of law. A leading journalist at *Mishmar liYeladim*, for example, Yaacov Rabi, known for his critical writing, described the travellers as fearless and fierce. Although he wrote that they had misbehaved because the deed itself was forbidden (he said this generally, without specific reference to the law), he also described them as heroes who despised danger, thus marking them as the ultimate Sabras.<sup>59</sup> Ephraim Talmy, editor of *Davar liYeladim*, noted the danger but pinned the blame mainly on the Arab enemy, whose villainy covered up the criminal dimension of the hikers' act, and showed great forgiveness towards them. He attributed desirable qualities to them, such as love of the land and greatness of spirit: 'We know it was not only an empty and reckless instinct of adventure that stirred their hearts ... We know how to appreciate the strong desire of these curious explorers, to know every fine corner and every magical view'.<sup>60</sup> Several months later, when the four young people mentioned above were murdered at the Red Rock, he again deferred to those who would visit Petra.<sup>61</sup>

We must know and remember that our neighbors have not yet reconciled with us. They still cultivate in their hearts intense hate and aspirations for revenge and reject our outstretched hand for peace and understanding. And if

<sup>56</sup> Har-Zion, who acquired the image of an unburdened and undisciplined man in his activity with the Unit, was also responsible, along with at least three other members of Unit 101 and the paratroopers, for the murder of five Bedouins in revenge for the death of his sister and her travelling companion. On the violations and disciplinary infractions of Har-Zion and the paratroopers in general see Seckbach (n 37) 100–11, 121.

<sup>57</sup> 'In Israel and Abroad: Victims of Enmity', *Ha'aretz Shelanu*, 23 February 1955, 2 (in Hebrew).

<sup>58</sup> 'Weekly Review: Four Travelers Killed by Jordanians', *Hatzofe liYeladim*, 23 March 1957, 2 (in Hebrew).

<sup>59</sup> Yaacov Rabi, 'The Travelers to Petra', *Mishmar liYeladim*, 10 April 1957, 511; 'The Bloodshed in Petra', *Mishmar liYeladim*, 3 December 1957, 175 (in Hebrew).

<sup>60</sup> T. Ephraim, 'Blood at the Red Rock', *Davar liYeladim*, 3 April 1957, 2 (in Hebrew).

<sup>61</sup> T. Ephraim, 'The Rock of Blood', *Davar liYeladim*, 3 December 1957, 2 (in Hebrew).



in another country they would return those who cross the border, here they do not. There is always a danger that a Jew who accidentally [! – TD] crosses into Jordan or Egypt will be killed.

Finally, the heroism attributed to the journeys to Petra was associated with the Jewish historical heritage. This was the case in an article about children in which the borders of Hasmonean-ruled territories were described.<sup>62</sup> It was also the outgrowth of a report about the writer Yaacov Fichman, published in *Davar liYeladim* and accompanied by a photograph of him at the Red Rock, ‘planting’ Petra in the landscape of the State of Israel. Further evidence of this approach emerges in a series of field articles on recommended trips by Ephraim Talmy, ‘Postcards from the Homeland’, one of which longingly noted Petra as a desirable travel destination.<sup>63</sup>

On the way to Ein Yahav, on the horizon visible from the east, a mountain rises to the sky, an elevated mountain range, a red mountain. There located the mountain, called ‘Jebal Haroun’ in Arabic, where is, as is believed, the tomb of Aaron the Priest [Moses’s brother]; this is the road to Petra, the magical Nabataean city carved into the Red Rock mountains.

### 6.3. Young border-running heroes in fiction and comic strips

The children’s weeklies of the 1950s devoted much space to the phenomenon of Arab infiltration and severely criticised it, but portrayed Jewish children who crossed the borders without permits sympathetically – lightly, casually and uncritically, certainly not legally – in fiction and comic strips. Such a repertoire certainly indicates a connection with writing for children that is known in popular children’s literature worldwide, as well as in familiar adventure and fantasy stories and books at the time such as *Goldilocks and the Three Bears*, attributed to British author Robert Southey, Lewis Carroll’s *Alice* books, Enid Blyton’s *The Famous Five* series, the *Chronicles of Narnia* by C.S. Lewis, and others, all based on unauthorised entries into forbidden places and serving children’s need to break boundaries and reach new worlds. The content of writing on border crossing by Israelis in the children’s weeklies, however, was different: the law-breaking plots and their heroes were set in the ‘here’ – Israel’s borders with its neighbours – and the ‘now’, the 1950s, the present. Although the Israeli young persons who ran the borders had no visible or explicit aspirations to robbery or murder, the matter is noteworthy, especially in the context of the explosive reality along the borders.

The authors linked this model of writing to the need to protect the citizens of the young country and Jews in neighbouring countries. It was in this context that the illegal border crossings of Israeli Jewish children became common in the papers. For

<sup>62</sup> The Hasmoneans were a Jewish dynasty that ruled Judea and surrounding regions in the Hellenistic era (140 BCE–37 BCE). They became part of the new Israeli ethos, especially in children’s culture, as Zionism saw itself as their successor and attached the importance of passing on their legacy to children via children’s newspapers, among other sources.

<sup>63</sup> ‘Along the Borders of Israel Back Then’, *Davar liYeladim*, 7 December 1955, 8–9; Shlomo Perlmutter, ‘Yaacov Fichman: Constantly Evolving’, *Davar liYeladim*, 14 March 1956, 5; Ephraim Talmy, ‘Postcards from the Homeland’, *Davar liYeladim*, 18 February 1958, 3 (all in Hebrew).

example, Yaacov Ashman's serialised story 'Uri and Gideon in Egyptian Captivity: From the Adventures of Our Days', published in *Ha'arets Shelanu* in 1952, tells the tale of two 13-year-old heroes who fight infiltrators from Egypt who schemed to murder Jews and destroy public property, and describe it as a pre-emptive operation in Egypt.<sup>64</sup> The story 'The Ship that Was Sunk' by Haim Eliav (1954), published in *Hatzofe liYeladim*, centring on two boys, Nissim and Raphael, also included a connection with ongoing security affairs. Based on an actual terror attack by Arabs on a bus in the Negev (March 1954), in this story, a bus of travellers is preyed upon by an enemy. Seeking shelter, the two heroes arrive in Egyptian-ruled Gaza, stay there without permits, and manage to thwart a hostile sabotage operation by Egypt.<sup>65</sup>

In some of these stories, the children who cross borders without permission do so of their own accord; in others, they commit the act with the support of parents or other adults who lack the legal authority to allow it and/or turn a blind eye, without condemning the actions in retrospect. A case in point is Haim Eliav's serialised story 'The Warriors against the Infiltrators', published in *Hatzofe liYeladim* in 1953, about a boy and a girl, Nadav and Odeda, who accidentally cross the Jordanian border and are captured by Legionnaires. To save them, their friends, the same Nissim and Raphael from Eliav's later work (as mentioned) 'The Ship that Was Sunk', volunteer to slip into Jordan and are not stopped by the adults in the story. The hint to the readers is obvious: you can take the law into your own hands and compensate for the illegality by doing it in pursuit of a 'higher' and even a heroic goal.<sup>66</sup>

Disdain for borders and law also found expression in comics. In the comic strip 'Sardine and Tokyo Capture a Greedy Gang', published in *Davar liYeladim* in July 1956, the heroes become aware of the problem of infiltration while volunteering to build fortifications on the Israeli-Egyptian border. They propose to IDF representatives there that they be allowed to fight the infiltrators, but are rejected. The two then take the law into their own hands and begin chasing members of the infiltrator gang. The gang captures Tokyo and the IDF fails to rescue him. Armed with a submachine gun, two hand grenades, a compass and a carrier pigeon, Sardine slips into Gaza, releases Tokyo, and even steals a refugee card from one of the tents. The two manage to escape and deliver a copy of a map to the IDF, which then helps to capture the gang members.<sup>67</sup>

A thread from the 1950s present to the 1948 War past, a recurrent motif in some of the works, appears in the comic strip 'The Water Pipe Was Blown Up Again', published in *Hatzofe liYeladim* in 1955–56. The hero of the comic, a boy named Uzi, argues passionately with one of the adults, who hesitates to co-opt the children into the task of capturing infiltrators who blew up the water pipe in their village: 'We want to help our parents! Isn't our situation now similar to the one in the [1948] War of Liberation? Even then we helped our parents!' The elder, who changes his mind (with

<sup>64</sup> Yoram Nevo (*nom de plume* of Yaacov Ashman, co-editor of *Ha'arets Shelanu*), 'Uri and Gideon in Egyptian Captivity', *Ha'arets Shelanu*, 13 May and 9 July 1952 (in Hebrew).

<sup>65</sup> Haim Eliav, 'The Ship that Was Sunk', *Hatzofe liYeladim*, 26 September 1954–26 January 1955 (in Hebrew).

<sup>66</sup> Haim Eliav, 'The Warriors Against the Infiltrators', *Hatzofe liYeladim*, 10 June–7 October 1953 (in Hebrew).

<sup>67</sup> Haziz and Debby Ben-Dor, *Hatzofe liYeladim*, 26 September 1954–23 February 1955 (in Hebrew).

noteworthy and suspicious alacrity), tells the children, Uzi among them: 'You are perfect generals. I don't envy Abdul Nasser [the President of Egypt, a nemesis in Israeli eyes] when you serve in the IDF. Well, we'll try you, but remember: you have to get your parents' consent, and the main thing is that it won't interfere with your studies!' The kids do go and confront the enemy across the border. As the events unfold, Uzi is captured by the enemy.<sup>68</sup> In the final episode, released Uzi declares that he would sacrifice his life again (and, without saying it, break the law) for the sake of the country's security.

Crossing the border, however, was not always related to fighting infiltrators; it was useful for additional purposes. For instance, longing for the Old City of Jerusalem, occupied by the Jordanians since the 1948 War, is the backstory of a group of children who sneak to the Western Wall in Zerubbabel Bustenai's short story 'Beyond the Legion Lines', published in *Ha'arets Shalanu* in 1951. The boy, the main protagonist, puts it as follows:<sup>69</sup>

We knew how great the risk was for us. Still, and maybe that is even why, we decided to do it. We missed the city so much, where the holy places are located and which are now on a sleeping mode. ... We must see the Western Wall, we must!

Another message about border crossing that was accompanied by an educational value came from *Davar liYeladim*. In the serial comic strip 'Sardine and Tokyo in Search of the Dead Sea Scrolls' (1954), two children secretly accompany a pair of archaeologists, slip into Jordan, and look for the scrolls in the Monastery of Saint Mark in the then Jordanian-controlled Old City of Jerusalem, wearing capes and posturing as Arabs. The two donate the coveted scrolls they obtained to the Hebrew University of Jerusalem, demonstrating that they did what they did for the honour of Israel as a well-educated nation.<sup>70</sup>

Another example of heroism related to illegal border crossing tied into another matter of national concern in the middle of the decade: a civil initiative to donate to the Defence Fund. In Haim Eliav's serialised story 'The Treasure', published in *Hatzofe liYeladim* in 1956 (in 25 instalments), a boy named Ovadia is asked to return to his home in Iraq to find a treasure that the family had hidden before immigrating to Israel and to donate it to the Defence Fund. On their way, Ovadia and a friend

<sup>68</sup> Told by Elazar Levin (illustrator: Avigdor Renzo Luizada), 'The Water Pipe Was Blown Up Again', *Hatzofe liYeladim*, 12 October 1955–25 January 1956 (in Hebrew).

<sup>69</sup> Zerubbabel Bustenai, 'Beyond the Legion Lines', *Ha'arets Shalanu*, 11 April 1951, 10–12. In general, longing for places conquered in the War of 1948 also surfaced in writing from time to time. A letter about the Jordanian conquest of Kefar Etziyyon, written by nine-and-a-half-year-old Hanan Porat, a future founder of Gush Emunim and a leader in settling the territories after 1967, is noteworthy. Porat recalled the pastoral life in the village – the cowshed where his father had worked, the field of flowers and the grove of trees, the magnificent synagogue where residents would gather and pray, and friendship with the Arabs in the area: Hanan Porat, 'On the Memorial Day of Kfar Etzion', *Hatzofe liYeladim*, 15 April 1953, 449. See also Yael Cohen, 'Beit Ha-Arava: We Will Not Forget', *Ha'arets Shalanu*, 25 November 1953, 15 (both in Hebrew).

<sup>70</sup> Told by Haziz (illustrator: Ephraim), *Davar liYeladim*, 23 July 1954–26 September 1954 (in Hebrew).

of his, Nissim, cross the border into Syria without permission, encounter infiltrators on their way to Israel, and fight them. They reach Damascus, head on to Iraq, are arrested and interrogated there, and after many hardships claim the coveted treasure and bring it back to Israel.<sup>71</sup>

Elements of local current affairs were also woven into the comic series 'Gidi Gezer' (1957) in *Ha'arets Shelanu*. In this story, the redheaded Gidi Gezer (*gezer* is a carrot in Hebrew, hence his sobriquet) crosses the border for a personal moral purpose: he is trying to track down an Arab refugee born in Jaffa – Khalil Al-Natur, a friend of Gidi's father before the 1948 War – to return money that his father owed him. In a quick move, the father agrees that his son should enter the refugee camp in the Gaza Strip where Al-Natur is staying and locate and pay him. Soon the private adventure becomes a story with a national connection. Gidi disguises himself as an Arab, proudly sets out ('I speak fluent Arabic; I won't be harmed', he says as he leaves home and heads for the border), and infiltrates the refugee camp. The plot includes many ambivalent elements related to matters of law and morality. On the one hand, it seems that in the eyes of the creators of the comic, the occupation of the Gaza Strip is an opportunity to act with compassion. The initiative of Gidi's father in returning the money to Al-Natur is portrayed as an expression of the Israeli tendency to strive for justice and goodness. However, Gidi's incursion into the Strip also resembles an abduction and is accompanied by problematic aspects regarding the perception of the Arab population. In the last episode of the series – published after the Sinai Peninsula, captured by Israel in Operation Kadesh (1956), is returned to Egypt – Al-Natur even asks Gidi to have Israel stay on and not leave the Strip for the benefit of its Arab residents.<sup>72</sup> Gidi promises that Israel will continue to hold the Strip and that he will try to obtain special permission for Al-Natur to visit his old home in Jaffa. Thus, the comic strip accommodates respect for law and moral compassion along with contempt, and sends a confusing yet clear message: for Israeli Jews, there are no boundaries that cannot be crossed.

A similar ethical approach is found in other weeklies, even *Mishmar liYeladim*, which rarely published content of this nature. In the story 'Grapes at Night', for example, a group of children infiltrate a vineyard and steal grapes; even though their breach of the fence is unrelated to the borders of the country, it pulses with excitement.<sup>73</sup> Thus, the children's weeklies in the 1950s opened a window for lawbreaking by reinforcing the myth of an ostensible rule-breaking spirit of non-sense, characterised by law violations and well-spiced with selective values (see [Image 2](#)).

Lastly, a story that illustrates the fine line between a seemingly innocent adventure and national illegality, exemplified in a series published after the Sinai War (1956) and the return of the territory occupied in its course: 'The Secret Tunnel at the Negev' by Eran Shurer (son of Haim Shurer, editor of *Davar*) told in *Davar*

<sup>71</sup> *Hatzofe liYeladim*, 4 September 1956–6 March 1957 (in Hebrew).

<sup>72</sup> Told by Miriam (illustrator: Elisheva), *Ha'arets Shelanu*, 6 February–2 July 1957 (in Hebrew).

<sup>73</sup> Yossi Margalit, 'Grapes at Night', *Mishmar liYeladim*, 10 July 1957, 711–13 (in Hebrew). In Hebrew, grapes are *anavim* and thieves are *ganavim*. Additionally, there is a Hebrew expression that means 'thieves in the night' in the sense of 'those who sneak in the hours of darkness'. Thus, the title of the story in Hebrew ('*Anavim at Night*') channels the tonal similarity of 'grapes' and 'thieves'.



Image 2. 'Grapes at night', *mishmar liYeladim*, 1957

*liYeladim* the story of three children – Moshik, Zvika, and Shaul – who enter Egypt through an underground tunnel. The children initially get there by mistake: they enter a tunnel near the border and find themselves in Egypt. Realising they are inside Egypt, however, they decide to turn their stay into an adventurous trip with pioneering elements: 'We're certainly the first Israelis to come here since Operation Sinai', Moshik says. In this case, too, aside from overlooking and being non-judgmental about the question of the children's illegal border crossings, a message about the whole trip is conveyed: escaping the vicious police who wish to force them to participate in a demonstration for Nasser, who is presented in the story – approximating his image in Israel in general – as a tyrant and a symbol of a nationalist and anti-democratic rule. Another moral justification, driving the plot to its happy ending, is that the three youngsters, after meeting an Egyptian-Jewish activist, help Jews from the local community, oppressed by the hostile Egyptian authorities, to immigrate to Israel (through the tunnel, of course). In a conversation among the children, Shaul likens the Egyptian Jews' situation to that of Holocaust refugees before statehood, who needed to immigrate illegally to survive: 'It reminds me of my brother's stories about [illegal] immigration during the Mandate. He was among the organisers of the illegal immigration ... The members of the Hagana [the main Mandate-era Zionist paramilitary organisation] were smarter than the British'. Zvika urged him on: 'Stop with your brother's stories already ... You have nothing to think about now but what happened ten years ago ... We already have our own current up-to-date stories!'<sup>74</sup>

All of these tales of permeable borders indicate the positive attitude towards children stealing the border, praising them as heroes. They also show that frontiers were perceived at the time not only as defensive but also as bridgeheads and spearheads of sorts, allowing locals to penetrate foreign areas and preferable to abiding by the law. In this sense, the works of literature in the weeklies reflect a phenomenon that legal scholar Shulamit Almog calls 'literature alongside law': 'Through the power of artistic statement, it [literature] reveals the illusory, artificial basis of the legal phenomenon'.<sup>75</sup>

Moreover, the focus of the children's weeklies on limits to the rule of law within the state's borders in the security context may indicate a combination of two approaches that characterised the *zeitgeist*. One approach was that of utopian

<sup>74</sup> Eran Shurer, 'The Secret Tunnel in the Negev', *Davar liYeladim*, 10 April–27 August 1957, see last chapter, 6 (in Hebrew).

<sup>75</sup> Shulamit Almog, *Law and Literature* (Nevo 2000) 24 (in Hebrew).

Zionism, in which the new Sabra played an important role. This Sabra sought to raise the flag of morality but also carried a legacy of which breaking the rules was an inherent part. The other approach was that of Zionism as a catastrophe, according to which the small country surrounded by enemies, Israel, must defend itself, and all means are legitimate, allegedly, even at the price of harming the rule of law and the related values it represents.<sup>76</sup> This combination created a cultural, security-survival ethic accompanied by heroic moral doctrine, and embodied a message in the papers: it is not only possible, but also heroic, to go beyond the borders of the state illegally, and in some cases even take the law into one's own hands and harm innocent people, without even being condemned. It seems that the law was bent in favour of instilling morally ambivalent ways of thinking and behavioural practices.

Thus, the children's weeklies reflected national ambiguity towards the border issue in defining their heroes. By justifying civilians who may have turned to an act of revenge, at least in some of the papers; by praising hikers to Petra and by justifying children who had stolen the state's borders in stories and comic strips, the weeklies characterised a type of Israeli hero who had no boundaries and, in a way, also normalised types of illegal behaviour.

## 7. Conclusions

Whom do we imagine when we think of heroes in the public context? It seems that cultural heroes have always been war heroes. They are immortalised in folk epics that recount their heroism and extol their miraculously lofty character traits, including courage, bravery and magnanimity, which do not come at the price of renouncing the national dimension. Such were leaders like the biblical Judges, so portrayed in the eponymous book that describes the ancient Hebrews' valorous feats as well as in other content from Jewish sources and hero rituals from the classical Greek period, especially relating to those killed in the wars against the Persians in the fifth century BCE and those of the Peloponnese and Sparta. War heroes were also celebrated in pre-1950s Israeli culture. Cases in point were the early twentieth-century warriors at Tel Hai; the Nili group, which acted to expel the Ottomans from the Land of Israel, with special attention to the female spy Sarah Aaronsohn<sup>77</sup> at the time of the First World War; and, of course, those who made heroic sacrifices in the 1948 War.<sup>78</sup>

Against this background, children's journals presented a rather complex model of legal heroism. On the one hand, it glorified the legal system in the new state, and

<sup>76</sup> See also Lahav (n 2).

<sup>77</sup> Gender, of course, yields a different analysis. See Billy Melman, 'The Death of an Agent: Gender, Memory and Commemoration' in Margalit Shilo, Ruth Kark and Galit Hazan-Rokem (eds), *The New Female Hebrews: Women in the Yishuv and Zionism from the Gender Perspective* (2002) 413 (in Hebrew). It is worth noting that the Hebrew word 'gibor' (hero) uses the root *gimel-bet-resh*, which recurs in *gever* (male/man as opposed to female/woman). For more on the concept of heroism see Ruvik Rosenthal's blog, 'The Linguistic Arena': <https://www.ruvik.co.il> (all in Hebrew).

<sup>78</sup> Emanuel Sivan, *The 1948 Generation: Myth, Portrait and Memory* (Am Oved 1991) (in Hebrew); Maoz Azaryahu, *State Cults: Celebrating Independence and Commemorating the Fallen in Israel 1948–1956* (The Ben-Gurion Research Center, Ben-Gurion University of the Negev 1995) 118–36 (in Hebrew); Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (University of Chicago Press 1995); Yael Zerubavel, 'The Historic, the Legendary and the Incredible', in JR Gillis (ed), *Commemorations: The Politics of National Identity* 105 (Princeton University Press 1994).

encouraged children to abide by its laws and to strive for goodness. Writing about the Petra hikers, however – as well as literary and comic heroes who crossed borders and, especially, the alleged behaviour of Israeli frontier inhabitants in the context of the military operation in the Jordanian village of Qibya – concretised border criminality and ambivalence towards the rule of law.

In this sense, Yoram Shachar, with whose words we opened this article, was right in two respects. First, the heroes of the law, according to the children's weeklies in Israel, did not, in greater part, inhabit the classic legal arena. In contrast to the American culture, where the sheriff and the tribunal are much more evident, the heroes of the Israeli children's press occupied the everyday public sphere. Second and more so, even without delving into the children's weeklies, Shachar also realised that the heroes of the time were not necessarily bound by the law. Viewed in this light, the legal shaping of children's socialisation through the description of border-running heroes surely says something about those days in Israel and also, perhaps, about ours.

**Acknowledgements.** The article contains parts of my doctoral dissertation. My deepest gratitude goes to my supervisor, Professor Assaf Likhovski, of the Faculty of Law at Tel Aviv University, for his invaluable guidance and support. I would also like to thank the journal editor, Professor Yaël Ronen, for her helpful comments.

**Funding statement.** Not applicable.

**Competing interests.** The author declares none.

---

**Cite this article:** Talia Diskin, 'Setting Boundaries to the Rule of Law in Israeli Children's Weeklies of the 1950s: A Test Case for the Concept of Heroism in Socio-Legal Discourse' (2025) 58 *Israel Law Review* 57–85, <https://doi.org/10.1017/S0021223725000019>