



SHALOM HARTMAN INSTITUTE מכון
OF NORTH AMERICA שלום הרטמן

Justice: “X” Happened

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1. Ari Shavit, *“Lydda,” My Promised Land*

On July 11, two 3rd Regiment platoons advance from the conquered village of Daniyal toward the olive orchards separating Ben Shemen from Lydda. Strong machine gun fire from the outskirts of Lydda halts them. In the meantime, Moshe Dayan’s Regiment 89 arrives in Ben Shemen. By the water fountain Dr. Lehmann built for his Arab neighbors, Dayan forms the regiment into an armored column. One behind the other, they stand at the ready: a giant armored vehicle mounted with a cannon, menacing half-tracks, and machine-gun-equipped jeeps. In the late afternoon the column leaves Ben Shemen and speeds into the city of Lydda, firing at all in its way. In forty-seven minutes of blitz, more than a hundred Arab civilians are shot dead— women, children, old people. Regiment 89 loses nine of its men. In the early evening, the two 3rd Regiment platoons are able to penetrate Lydda. Within hours, their soldiers hold key positions in the city center and confine thousands of civilians in the Great Mosque, the small mosque, and the St. George’s cathedral. By evening, Zionism has taken the city of Lydda. The next day, two Jordanian armored vehicles enter the conquered city in error, setting off a new wave of violence. The Jordanian army is miles to the east, and the two vehicles have no military significance, but some of the citizens of Lydda mistakenly believe they are the harbingers of liberation. Some of the soldiers of the 3rd Regiment mistakenly believe them mean that they face the imminent danger of Jordanian assault. By the small mosque, Israeli soldiers are fired upon. Among the young combatants taking cover in a ditch nearby are some of the Ben Shemen graduates, now in uniform. The brigade commander is a Ben Shemen graduate, too. He gives the order to open fire. The soldiers shoot in every direction. Some throw hand grenades into homes. One fires an antitank PIAT shell into the small mosque. In thirty minutes, at high noon, more than two hundred civilians are killed. Zionism carries out a massacre in the city of Lydda. When news of the bloodshed reaches the headquarters of Operation Lark in the conquered Palestinian village of Yazzur, Yigal Allon asks Ben Gurion what to do with the Arabs. Ben Gurion waves his hand: Deport them. Hours after the fall of Lydda, operations officer Yitzhak Rabin issues a written order to the Yiftach Brigade: “The inhabitants of Lydda must be expelled quickly, without regard to age.” Over the next day, negotiations are held in the rectory of St. George’s Cathedral. Present are Shmaryahu Gutman, who is now the military governor of Lydda, and the dignitaries of the now occupied city. The bewildered dignitaries are anxious to save the lives of their flock, whereas the cunning Gutman is eager to expel the lot without giving an explicit expulsion order. When negotiations end in the late morning of July 13, 1948, it is agreed that the people of Lydda and the refugees residing there will exit Lydda immediately. By noon, a mass evacuation is under way. By evening, tens of thousands of Palestinian Arabs leave Lydda in a long column, marching south past the Ben Shemen youth village and disappearing into the East.

Zionism obliterates the city of Lydda. Lydda is our black box. In it lies the dark secret of Zionism. The truth is that Zionism could not bear Lydda. From the very beginning there was a substantial contradiction between Zionism and Lydda. If Zionism was to be, Lydda could not be. If Lydda was to be, Zionism could not be. In retrospect it's all too clear. When Herbert Bentwich saw Lydda from the white tower of Ramleh in April 1897, he should have seen that if a Jewish state was to exist in Palestine, an Arab Lydda could not exist at its center. He should have known that Lydda was an obstacle blocking the road to the Jewish state and that one day Zionism would have to remove it. But Herbert Bentwich did not see, and Zionism chose not to know. For half a century it succeeded in hiding from itself the substantial contradiction between the Jewish national movement and Lydda. For forty-five years, Zionism pretended to be the Atid factory and the olive forest and the Ben Shemen youth village living in peace with Lydda. Then, in three days in the cataclysmic summer of 1948, contradiction struck and tragedy revealed its face. Lydda was no more.

2. **Martin Kramer, "What Happened at Lydda," *Mosaic Magazine*, July 2014**

In this film interview, then, Gutman repeats four times that those in the small mosque weren't detained there by Israeli forces, and that it wasn't a place of detention. On the first night, the small mosque lay beyond the limited zone of Israeli control, which didn't extend into the city proper. (On the British map embedded below and the high-altitude and low-altitude aerial photos found alongside, all showing pre-war Lydda, the area of the Great Mosque and the Church of St. George is marked by a "1" and the small mosque by a "2." They are separated by the old city and the town market.)

If Gutman's recollection is accurate, it means that Israeli forces had no idea who might be in the small mosque, why they had assembled there, or what weapons they might have.

Problem: According to Gutman's film interview, he didn't just "suggest" returning fire against houses, windows, and suspect persons. Instead, he gave authorization specifically to strike the small mosque, which had now become a military target:

From a small mosque, they began to throw bombs at soldiers. Two of our guys were killed. They asked me: "What should we do?" I answered: "It is permissible to fire into the mosque." And they did it.

Gutman also answered the primary objection to doing so, raised by the soldiers themselves:

They asked me: "It's forbidden to harm the mosque, it's a holy place." I said: "A place from which they throw bombs must be taken out." And they took it out, and it's true that there were a few local casualties there.

So a counterattack on the small mosque, according to this interview of Gutman, was a military necessity, sanctioned by Gutman's own authority as military governor. It was part of the improvised plan to suppress the uprising...

3. *Abba Eban: 11 Statements to the Special Political Committee of the United Nations General Assembly by Ambassador Eban- 17 November 1958*

VOLUMES 1-2: 1947-1974

Aggression by Arab States Created Refugee Problem

The Arab refugee problem was caused by a war of aggression, launched by the Arab States against Israel in 1947 and 1948. Let there be no mistake. If there had been no war against Israel, with its consequent harvest of bloodshed, misery, panic and flight, there would be no problem of Arab refugees today. Once you determine the responsibility for that war, you have determined the responsibility for the refugee problem. Nothing in the history of our generation is clearer or less controversial than the initiative of Arab governments for the conflict out of which the refugee tragedy emerged. The historic origins of that conflict are clearly defined by the confessions of Arab governments themselves: "This will be a war of extermination," declared the Secretary-General of the Arab League speaking for the governments of six Arab States, "It will be a momentous massacre to be spoken of like the Mongolian massacre and the Crusades".

Palestine Arabs Urged to Flee by Arab Leaders

The assault began on the last day of November 1947. From then until the expiration of the British Mandate in May 1948 the Arab States, in concert with Palestine Arab leaders, plunged the land into turmoil and chaos. On the day of Israel's Declaration of Independence, on 14 May 1948, the armed forces of Egypt, Jordan, Syria, Lebanon and Iraq, supported by contingents from Saudi Arabia and the Yemen, crossed their frontiers and marched against Israel. The perils which then confronted our community; the danger which darkened every life and home; the successful repulse of the assault and the emergence of Israel into the life of the world community are all chapters of past history, gone but not forgotten. But the traces of that conflict still remain deeply inscribed upon our region's life. Caught up in the havoc and tension of war; demoralized by the flight of their leaders; urged on by irresponsible promises that they would return to inherit the spoils of Israel's destruction hundreds of

thousands of Arabs sought the shelter of Arab lands. A survey by an international body in 1957 described these violent events in the following terms:

“As early as the first months of 1948 the Arab League issued orders exhorting the people to seek a temporary refuge in neighboring countries, later to return to their abodes in the wake of the victorious Arab armies and obtain their share of abandoned Jewish property” (Research Group for European Migration Problems Bulletin, Vol. V, No. 1, 1957, P. 10).

4. Christopher Hitchens, *Hitch-22: A Memoir*

Suppose that a man leaps out of a burning building—as my dear friend and colleague Jeff Goldberg sat and said to my face over a table at La Tomate in Washington not two years ago—and lands on a bystander in the street below. Now, make the burning building be Europe, and the luckless man underneath be the Palestinian Arabs. Is this a historical injustice? Has the man below been made a victim, with infinite cause of complaint and indefinite justification for violent retaliation? My own reply would be a provisional ‘no,’ but only on these conditions. The man leaping from the burning building must still make such restitution as he can to the man who broke his fall, and must not pretend that he never even landed on him. And he must base his case on the singularity and uniqueness of the original leap. It can’t, in other words, be ‘leap, leap, leap’ for four generations and more. The people underneath cannot be expected to tolerate leaping on this scale and of this duration, if you catch my drift. In Palestine, tread softly, for you tread on their dreams. And do *not* tell the Palestinians that they were never fallen upon and bruised in the first place. Do not shame yourself with the cheap lie that they were told by their leaders to run away. Also, stop saying that nobody knew how to cultivate oranges in Jaffa until the Jews showed them how. ‘Making the desert bloom’—one of Yvonne’s stock phrases—makes desert dwellers out of people who were the agricultural superiors of the Crusaders.

5. Amos Oz, *In the Land of Israel*, 95-96

What none of you manage to understand, for all your brains, is that the dirty work of Zionism isn’t finished yet. Far from it. True, it could have been finished in ‘48, but you got in the way, didn’t let us get on with it. And all because of the Zhiddishness in your souls. Because of your Diaspora mentality. Because you wanted to play fair! It’s a crying shame—we could have put all that behind us and by now become a normal nation with prissy values, with humanistic neighborly relations with Iraq and Egypt, and with a slight criminal record—just like everybody else. Like the English and the French and the Germans and the Americans— who’ve already managed to forget what they did to the Indians—and the Australians, who almost totally eliminated the

aborigines. They've all done it. What's the big deal? What's so terrible about being a civilized people, respectable, with a slight criminal past? It happens in the best of families. And I've already told you that I'm willing to take the criminal record on myself, together with Sharon and Begin and General Eitan. And I'm willing for you to be the future—rosy, pure, gutless. Write books of atonement for my crimes. And you'll be forgiven. Oh, boy, will you be forgiven! The international audience will adore your conscientiousness. They'll receive you in the fanciest salons! But only after my cannon or my nasty napalm calms down the Indians and makes sure they don't scalp your children and mine; and only after millions of Zhids have come home, here; and only after the house is big enough, with enough rooms for the whole family.

6. UN International Law Commission: Responsibility of States for Internationally Wrongful Acts (2001)

Article 35: *Restitution*

A State responsible for an internally wrongful act is under an obligation to make restitution, that is, to re-establish the situation which existed before the wrongful act was committed, provided and to the extent that restitution:

- a) is not materially impossible;
- b) does not involve a burden out of all proportion to the benefit deriving from restitution instead of compensation.

Article 39: *Contribution to the injury*

In the determination of reparation, account shall be taken of the contribution to the injury by willful or negligent action or omission of the injured State or any person or entity in relation to whom reparation is sought.