

## BOOK REVIEWS

# A Question of Responsibility

Review by Rona Sela

Adam Raz, *Looting of Arab Property during the War of Independence* [Bizat Harekhush Ha'ravi Bemilhemet Ha'tsmaut]. 332 pages. (Jerusalem: Carmel, 2020. NIS 78.40



### Editor's Note:

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### Abstract

In this review of Adam Raz's *Looting of Arab Property during the War of Independence* (2020, in Hebrew) Rona Sela critiques the book as dealing with the subject from a Zionist perspective and accepting Ben-Gurion's attitude of reducing official/state responsibility for the massive theft against Palestine and Palestinians, and being unconcerned that looting/seizures violated international law. Sela points out that Raz shows that the government made manipulative political use of the "looting" in its drive to ethnically cleanse what would become the State of Israel while arguing, at the same time, that the responsibility lies with the individual (Jewish) citizens of that state, who became "passive accomplices" of its policies. According to Sela, by Raz not distinguishing between individual looting and organized official seizure, he is led to minimize the direct responsibility of the sovereign and adopt biased conclusions that contradict, conceal, reframe, and whitewash the testimonies and cases described in his own book.

While the pillaging and seizure of Jewish private property during the Holocaust is always on the Israeli public agenda, the looting and pillaging of Palestinian property and culture has been largely silenced. Just as Israel demands and receives compensation for Jewish stolen property and for crimes committed against them, Sela argues that compensation for the crimes perpetrated against Palestinians must be on the agenda – morally, legally, and practically – and that Israel must reveal the Palestinian textual and cultural treasures held and hidden in Israeli archives and return them to their rightful owners.

### Keywords

Looting; seizure; cultural looting/seizure in Palestine; Nakba; David Ben-Gurion; Absentee Property Law; sovereign and moral responsibility; Assets and Goods' Awda – claiming the return of seized/looted property, goods and cultural treasures.

This important book by Adam Raz expands the available research on the phenomenon of the large-scale looting and seizure of property (known also as pillaging and “war booty”) in the course of the 1948 war. The book’s name makes it clear from the start that the discussion is from a Zionist perspective. The war is not referred to as the Nakba or the neutral “1948 war” (as Raz himself states, 20), although it is clear that looting by individuals and seizure by organized forces – two different practices discussed in the book using the same term “looting” in an erroneous way – played a significant role in the Nakba, together with ethnic cleansing; the destruction, vandalizing, and burning of agricultural property and produce; murder and rape; the killing of animals; and the appropriation and nationalization of houses and lands. Raz chose to omit any hint to the disaster in his title and instead to adorn it with the glamor of “independence.”<sup>1</sup>

The first part of the book, the “essentially historical” part (28), devotes considerable space to a detailed and systematic description of looting and seizure in major cities such as Jerusalem, Tiberias, and ‘Akka. The book is replete with references, quotes, cases, and names, and therein lies its strength. If we ignore the bias conveyed by its title and the fact that the author relates to seizure as pillage and vice versa, its first part certainly confronts the reader with the monstrous scope of the phenomenon. Every human being should be appalled by these descriptions, particularly given that the pillaging was carried out right after the Holocaust and the massive looting and seizure of Jewish property and cultural treasures from private homes and public institutes across Europe.

In the second part, the author examines the issue from the sociopolitical perspective that shaped Israeli society and dovetailed with David Ben-Gurion’s policy. Tom Segev, who in 1984 was the first to deal with the subject of seizure extensively, is mentioned in a minor footnote. Segev’s work has been followed by a number of other studies (such as Fischbach, Tamari, Pappé, Koren, Morris, and Masalha),<sup>2</sup> although Raz mentions only a few. There are also numerous Palestinian testimonies (available in Israeli archives) excluded from the book,<sup>3</sup> as well as Sherene Seikaly’s study that discusses the pillaging in Haifa from her familial and Palestinian perspective.<sup>4</sup>

Importantly, Raz also ignores the looting and particularly the organized seizure of Palestinian intellectual and cultural treasures, and textual and visual archives that were a central part of the historical and cultural erasure in and of the Nakba. This includes the wholesale organized robbery of Palestinian libraries as shown by Gish Amit whose seminal and oft-quoted work receives only two minor references here;<sup>5</sup> the visual archives and collections looted in 1948 – including the work of photographers such as Chalil Rissas (Khalil Rassas) and Chalil Raad (Khalil Ra’d), and later on archives such as that of Karmieh Abboud; as well as cultural treasures seized officially in an planned manner before, during and after 1948, and subjected to the oppressive control of Israeli archives.<sup>6</sup> Raz presents his work as a pioneering study. It is “pioneering,” perhaps, in having been written from the Zionist perspective, thereby continuing a time-honored tradition of erasure out of political considerations.

International law distinguishes between individual pillage by soldiers or civilians and seizure by organized forces; in both cases, the stolen property can belong to

either individuals or public institutes.<sup>7</sup> Raz, however, does not make the fundamental distinction between seizure by organized forces for collective official or sovereign purposes, by military units, militias and state and pre-state institutional bodies, municipal or commercial that worked for official organizations, and looting out of sheer greed by individuals (whether uniformed or not). Although he refers to “individual” as opposed to “collective” or “public looting” (220, 230), he discusses them uniformly and draws similar conclusions from them, as though they were similar acts with equivalent aspects and implications. Raz does not examine their different purposes and characteristics, nor does he differentiate them terminologically, substantively, legally, or morally. Crucially, since the distinction is far from semantic, this often leads the author to biased conclusions that contradict the testimonies and cases described in his book.<sup>8</sup>

This conceptual confusion leads also to a misguided approach to the question of moral and essential responsibility that is my focus here. According to Raz, both individual and collective looting are “a personal act – a choice of action made by a person” (297–98), whereas the seizure of Palestinian assets was “only” (my quotation marks, RS) of real estate by the state acted by laws and regulations). In other words, for Raz, the sovereign’s responsibility is reduced – as if it can be reduced – to the expropriation of houses and lands, a “one-time act” (298) grounded in a political decision and enforced using military and police power. Having been decided by official institutions based on legal procedures, it was and is not seen as a crime. Conversely, looting – both individual and collective – is seen as an individual violation or crime, and even when organized, represents “countless of uncoordinated actions by unrelated individual looters” (298).<sup>9</sup> Moreover, “the looters were the large Jewish public (as individuals), not the sovereign” (22). I will now reexamine this claim.

First, an organized seizure mechanism was established. Arab Assets Committees were appointed (even before the establishment of the State of Israel), and later the Arab Assets Department in the Ministry of Arab (Minority) Affairs and the Custodian of Absentee Property, was among the many bodies that dealt with the issue.<sup>10</sup> These bodies were supposed to oversee the seizure process, to make decisions and rule on issues related to Palestinian property. The military was the executive body. Thus, these sovereign government bodies were supposed to cooperate in this matter.<sup>11</sup> “Whenever an Arab inhabited territory is occupied, a representative of the Department of Arab Affairs will be attached” [to the armed forces], and “every expropriation [by the armed forces] will be made in the presence of a representative of the Department of Arab Affairs.”<sup>12</sup> Subsequently, Gad Machnes of the department commented that the properties of occupied Arab villages “is subject to the supervision of the State of Israel,”<sup>13</sup> and that, “Permanent arrangements have been made for the appropriation of abandoned Arab property for military needs.”<sup>14</sup>

Raz’s statement also contradicts the book’s own descriptions of massive “looting” by organized military units, but also by state (and pre-state) bodies, parties that worked for the state, as well as entire Jewish settlements. One of the cases described is that of the Solel Boneh construction giant (a pre-statehood corporatist arm of the Jewish

community), which seized equipment at the Haifa port. Ezra Danin, who was in charge of “abandoned property”<sup>15</sup> at the time, observed the events together with Ben-Gurion, who asked Danin, “And should this property fall in private hands, would you be any happier? At least this isn’t private robbery” (46). Raz also shows that many Jewish communities in the Galilee had their hands full of stolen goods, on “a special mission on behalf of the Minister of Defense” (200–201), and that at the opposite end of the country, Niv David, the Intelligence Officer of the Negev Brigade, argued that “public looting... for the purpose of promoting or fulfilling Zionism is allowed” (230). Thus, according to Raz, “the looting was not top-down, empowered by a political order” (21), and all examples of decisions made by military commanders or pre-state/state or municipal officials are nothing more than “personal” or “individual” acts – crimes for which the responsibility lies with the direct offenders.

Thus, in summing up the conclusions, Raz adopts Ben-Gurion’s position, who eschewed sovereign responsibility for these rampant acts and preferred to blame individuals. This attempt to reduce the widespread organized booty in 1948 to crimes committed by “ordinary,” “normative” individuals (312), minimizes the direct political responsibility for the injustices, despite the fact that it is abundantly clear in the book’s pages. The pre-state bodies and the government established various bodies to control the seizure and the seized assets; its representatives in the field, including commanders, pre-state/state and municipal officials, and managers of quasi-state bodies, not “only” seized property in practice but were sometimes also involved in looting for private gain; and in 1950 the Absentee Property Law was enacted, to legalize the wholesale land grab during and after the war retroactively.

Moreover, the state made little effort to prevent individual looting. Ben-Gurion enabled the organized seizure under various guises, undermined the work of the Ministry of Minorities that was supposed to supervise the military’s actions in Palestinian towns and villages (and prevent individual looting), and turned a blind eye to private pillaging. He ignored warnings and criticisms by ministers, public officials, military officers, intellectuals, and Zionist movements, and disregarded the accusations of many who blamed him personally for the pillage (261). Furthermore, the attempt to portray the organized “collective looting” (seizure) as individual crimes, minimizes the direct responsibility of the sovereign. Raz’s conclusions conceal, reframe and whitewash the crimes described in the book. Apparently, Ben-Gurion’s propaganda survived seven decades to land intact, directly into this book, with little critical benefit of hindsight.

Secondly, Raz himself demonstrates how the sovereign used the looting by both individuals and “groups” to prevent the return of Palestinian refugees (249–50). From the looter’s perspective, “the return of the Arab inhabitants to their ransacked city would have required him to give back, hide or destroy the property he has looted”; the sovereign took advantage of this fact and became a silent partner in crime as “the particular personal interest aligned with the political one” (300). On the one hand, Raz shows that the government made manipulative political use of the “looting” in its drive to ethnically cleanse what would become the State of Israel (293), and on the

other, he argues that the responsibility lies with the individual (Jewish) citizens of that state, who became “passive accomplices” (293) of its policies. Quite an impressive ideological juggling act.

Third, I argue that the individual looting followed closely in the footsteps of its institutional *doppelgänger*, and that the latter paved a way that affected large sections of the Jewish public. Civilians adopted their leaders’ twisted norms.<sup>16</sup> In other words, the sovereign’s responsibility for individual looting extends also in setting the pattern of action (theft). In Jaffa, for instance, the first to steal, as claimed by Ruth Lobitz of the Communist party in 30 May 1948, were not “the ordinary masses from the street. At first it was the Etzel.<sup>17</sup> For days on end, cars loaded with goods flowed out of Jaffa, and sometimes cars delivered goods requisitioned by the Haganah<sup>18</sup> – items essential for our war effort.... Only then came the masses and private enterprise. If this phenomenon is not nipped at the bud, no explanations or exhortation would do any good” (220). The book also ignores the fact that the widespread pre-1948 seizure of documents, photographs, and other items for intelligence purposes<sup>19</sup> also paved the crooked way to subsequent crimes. For example, I have found at least three organizations – two in Haifa and one in Gaza – that were closely monitored by Jewish intelligence sources in the mid-1940s. During the war, surprisingly enough, Jewish forces “visited” those organizations in their specific addresses, seized them, and today their documents are held in Israeli archives. Raz conveniently disregards such evidence.<sup>20</sup>

Finally, Ben-Gurion clearly considered private looted property as state property. Although officially he condemned it, he was more preoccupied by the identity of the new owners of the seized property. In addition, Ben-Gurion was hardly concerned by the fact that looting violated international law. In a letter written 15 June 1948, he stated in no uncertain terms: “The Harel unit [Brigade] that drove down from Jerusalem yesterday carried in their vehicles property seized in Jerusalem: refrigerators, carpets, furniture, etc. You must beseech them on behalf of the high command to immediately submit a list of the items they have seized and transported and their whereabouts – because the booty belongs to the military (to the state) rather than to the individual soldiers or brigades. Quick and vigorous action is required.”<sup>21</sup> Furthermore, to ensure that the seized items would end up in state rather than private hands, a system of monetary compensation for the looters was put in place.<sup>22</sup> Israel’s first prime minister himself makes it perfectly clear here that the military acts of robbery are state acts (as if anyone had doubts), and that his government closely monitors such acts – as in other dark regimes, it kept meticulous records of what was taken from where (both looting and seizure), and each item’s price tag – a sovereign bureaucracy of crime documentation.<sup>23</sup>

While the pillaging and seizure of Jewish private property and cultural treasures during the Holocaust is always on the Israeli public agenda, the looting and taking of booty of the Palestinian property and culture has been largely silenced until four decades ago. Just as Israel demands and receives compensation for Jewish stolen property and for crimes committed against them, Palestinian stolen property and

compensation for crimes perpetrated against Palestinians must be on the agenda – morally, legally, and practically. It is also high time that Israel opens the Palestinian textual, cultural, and visual treasures hidden in Israeli archives and returns them to their rightful owners, as was also written to me by the previous state archivist in our lengthy correspondence a decade ago.<sup>24</sup>

The critical questions Raz fails to address are, why did the state take such an important role in robbery, why did it establish a mechanism to supervise it instead of preventing it, what were the moral and practical consequences of this move, and how did the state benefit, not only economically,<sup>25</sup> from the seized goods? Furthermore, Raz explains to his readers that when confronted by contradictory evidence, the historian may prefer one narrative over the other, “But he must explain to us why” (278). Moreover, he comments in a footnote: “I also dispute with [Gish] Amit’s general tone in discussing the fate of the Arab books” (71). I dare say that he takes issue with Amit’s critical tone, while he remains safe in the bosom of Zionism. Raz does not see the contradictions and biased conclusions in his own book, let alone explain them. Like David Ben-Gurion, he minimizes or evades the responsibility of the sovereign for the 1948 looting/seizure spree so amply described in his own words.

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#### Endnotes

- 1 The use of the term “Arab” rather than “Palestinian” or “Palestinian-Arab” further attests to the author’s Zionist perspective. Dan Rabinowitz showed long ago that the widespread use of “Arab” as the almost exclusive adjective for the local Palestinian population reflects power relations and the official, hegemonic agenda; see Dan Rabinowitz, “Eastern Nostalgia: How the Palestinians came to be Israeli-Arabs,” [Hebrew] *Theory and Criticism* 4 (1993): 141–51. It is part of an oppressive strategy of erasure employed by the dominant group against the minority group that seeks, among other things, to deny the attachment of the indigenous population to its land and country.
- 2 Tom Segev, *1949: The New Israelis* [Hebrew] (Jerusalem: Domino, 1984); Michael Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict* (New York/Washington: Columbia University Press /Institute for Palestine Studies, 2003); Salim Tamari, “Heard Nothing, Seen Nothing,” *Journal of Palestine Studies* 34, no. 3 (2005): 89–91; Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: One World, 2006), 211–16; Alina Koren, “Good Intentions: The Short History of the Minority Affairs Ministry, 14 May 1948—1 July 1949,” [Hebrew] *Cathedra: For the History of Eretz-Israel and Its Yishuv* 127 (2008): 113–40; Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947–1949* [Hebrew], (Israel: Am Oved, 1991); and Nur Masalha, *The Palestine Nakba* (London and New York: Zed Books, 2012).
- 3 For example, after the Dayr Yasin massacre of 9 April 1948, a young Palestinian woman was forced to stand under the blazing sun

- next to other women – their clothes were torn off them, their ear and finger rings were stolen and they were even photographed nude (translated to Hebrew by The Arabic Department of the Jewish Information Service from *al-Yaqza*, dated 6 May 1948, Haganah Historical Archive, 105/71, 710). It might be that these are the photographs that the Supreme Court was afraid would have a “visual effect” that might “affect the State’s international relations (Supreme Court file 07/10343, 3 May 2010). Accordingly, they are the subject of ongoing classification, such as by a special committee headed by (former) Minister of Justice Ayelet Shaked on 11 September 2016 (Sela 2017 [2018], 209.
- 4 Sherene Seikaly, “How I Met My Great-Grandfather: Archives and the Writing of History,” *Comparative Studies of South Asia, Africa and the Middle East* 38: 6–20.
  - 5 Gish Amit, “Limkor et Hasfarim Lazokhim Bemichrz Lknyat Psolet Nyar” [Selling the books to the winners of a tender to purchase paper waste], *Mita’am: A Review of Literature and Radical Thought* 12 (2007): 41–52; Gish Amit, *Ex-Libris: Historyah Shel Gezel, Shimur Venikhus Basfryah Haleumit Byerushalyim* [Ex-Libris: Chronicles of Theft, Preservation, and Appropriating at the Jewish National Library in Jerusalem] (Tel Aviv: Hakibutz Hameuchad Publishing House, 2014). It is also addressed in Benny Bruner’s documentary *The Great Book Robbery* (2012), which receives no mention in the book.
  - 6 See works by Rona Sela: “In the Eyes of the Beholder – Aspects of Early Palestinian Photography,” translated from original Hebrew text in *Photography in Palestine in the 1930s and 1940s* (Tel-Aviv: Hakibuz Hameuchad Publishing House, 2000), online at [www.academia.edu/36679969/In\\_the\\_Eyes\\_of\\_the\\_Beholder\\_Aspects\\_of\\_Early\\_Palestinian\\_Photography](http://www.academia.edu/36679969/In_the_Eyes_of_the_Beholder_Aspects_of_Early_Palestinian_Photography) (accessed 4 January 2021); *Le’yun Hatsibur: Hafalastinim Ba’rkhionim Hatsva’yim Beisrael* [Made Public, Palestinians in Military Archives in Israel] (Tel Aviv: Helena, 2009 [Hebrew]; Ramallah: Madar Center, 2018 [Arabic]); “The Archive of Horror,” *IBRAAZ* 0006, 6 November 2013, online at [www.ibraaz.org/platforms/6/responses/141](http://www.ibraaz.org/platforms/6/responses/141) (accessed 28 February 2021); (director), *Looted and Hidden – Palestinians in Military Archives in Israel*, 2017, online at [vimeo.com/213851191](http://vimeo.com/213851191) (accessed 4 January 2021); “Genealogy of Colonial Plunder and Erasure,” *Social Semiotics* 28, no. 2 (March 2017): 201–229; “Seized in Beirut – The Plundered Archives of the Palestinian Cinema Institution,” *Anthropology of The Middle East* 12, no.1 (2017): 83–114; “Palestinian Materials, Images and Archives held by Israel,” paper, Swisspeace, online at [www.academia.edu/37625043/Palestinian\\_Materials\\_Images\\_and\\_Archives\\_held\\_by\\_Israel](http://www.academia.edu/37625043/Palestinian_Materials_Images_and_Archives_held_by_Israel) (accessed 4 January 2021); “‘Imprisoned Photographs’– The Looted Archive of Photo Rissas (Rassas) – Ibrahim and Chalil (Khalil) Rissas,” *Intermedialités* 32 (August 2018), online at [cdn-cms.f-static.com/uploads/2433480/normal\\_5d8504763d103.pdf](http://cdn-cms.f-static.com/uploads/2433480/normal_5d8504763d103.pdf) (accessed 28 February 2021).
  - 7 See Oxford Public International Law, paragraphs A1, 3–4. While pillage is prohibited due to 1899 and 1907 Hague Regulations (B (1) (10) and became a war crime in 1954 (D [23]), the rules regarding seizure are more complicated. See also, Jose Doria, Hans-Peter Gasser, and M. Cherif Bassiouni, *The Legal Regime of the International Criminal Court*, International Humanitarian Law Series 10 (Brill, 2009), 521–29.
  - 8 According to Rabinowitz, *Eastern Nostalgia*, 141: “The labelling issue is irreducible to the grammatical or syntactical meanings of this or that term. The question that shines out of the semantic mist that characterizes the writing about the Palestinian citizens of Israel is substantive, touching a live and exposed nerve. The poetics of representation is related to the politics of representation [...] both deriving from and reproductive of power relations in real life.”
  - 9 The legal aspect of these claims should be discussed separately.
  - 10 Koren, “Good Intentions,” 2009; Amit, *Ex-Libris*, 185; Uzi Benziman and Mansour Atallah, *Subsidiaries: Israeli Arabs – their Status and Policy towards them* [Hebrew], Jerusalem (Keter, 1992), 159–64.
  - 11 In practice, their activities were undermined from an early stage, as is documented in the archives. For example, David Horowitz of the Jewish Agency, who was appointed to one of the committees, resigned and wrote to Ben-Gurion in his resignation letter: “We have no influence on events and under such

- circumstances I find myself unable to fulfill my duties effectively” (IDFA and Ministry of Defence Archive, 236; 2 May 1948).
- 12 IDFA and Ministry of Defence Archive 109-6127/1949, 126, 16 May 1948.
  - 13 IDFA and Ministry of Defence Archive 109-6127/1949, 108, June 4, 1948.
  - 14 IDFA and Ministry of Defence Archive 109-6127/1949, 80; June 24, 1948.
  - 15 A deliberately misleading Zionist terminology designed to conceal the true fate of the property and more importantly, its owners.
  - 16 Sela, “Genealogy.”
  - 17 The Etzel (Hebrew acronym of National Military Organization, also known as the Irgun) was a rightwing militia that occupied the northern part of Jaffa in April–May 1948.
  - 18 The largest Jewish militia, which would form the foundation for the Israeli military, received Jaffa’s official surrender on 13 May 1948.
  - 19 Sela, *Made Public, Palestinians in Military Archives in Israel*; Sela. “Genealogy of Colonial Plunder and Erasure.”
  - 20 Sela forthcoming.
  - 21 Israel Defense Forces and Defense Establishment Archive, 109-6127/1949.
  - 22 Segev, *1949: The New Israelis*, 83.
  - 23 Rona Sela, “‘Hahistoryah Hy’ Brera Tiv’it” [History is a natural choice], in *Tsisah – Diyur, Safa, Historyah – Dor Hadash Ba’rim Hayehudyot Araviyo* [Effervescence – Housing, language, history – a new generation in Jewish Arab-cities] (Haifa: Gutman Museum for Art, 2013), 142–43.
  - 24 Y. Freundlich, 30 August 2009. See also Sela, “Genealogy,” 209.
  - 25 Amit, in *Ex-Libris*, mentions that the Palestinian assets have been estimated between 743 million pounds to one billion dollars, 85; see also Benziman and Atallah, *Subsidiaries*, 165.