



The Debate on the IDF Open-Fire Orders, 1952

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On the morning of June 25, 1952, a group of Israeli Arab civilians from the Wadi Ara area walked toward the border with Jordan, to chat with family members on the other side of the border. Sometime after they set out, shots were fired in their direction; two people were killed and five were wounded. As could have been expected, the incident sparked public and political protest.

In its defense, the IDF claimed that the Israeli Arab citizens had violated the explicit order not to approach the border, even if their declared purpose was to converse with their relatives on the other side. The Arab citizens and their political supporters dismissed these claims, arguing that since the end of the War of Independence, such encounters occurred several times a year and the IDF officers were informed about them. They claimed the civilians were targeted deliberately, with no prior warning.

The incident put the IDF and then-Chief of Staff Yigael Yadin in an embarrassing position. Yadin decided to lend his complete support to the soldiers involved in this incident. It is difficult to understand what led Yadin, an experienced and decorated commander, to take such an extraordinary stance, completely contrary to the values of Israel and the IDF, in defense of the soldiers. Prime Minister and Defense Minister David Ben-Gurion harshly criticized the conduct of the IDF. However, in practice, he was inclined to limit the consequences of the incident and to avoid pressing charges against the soldiers involved.

Introduction

On the morning of June 25, 1952, a group of Arab citizens of Israel, among them old people, women, and children from Kafr Ara in the Wadi Ara area walked toward the border with Jordan. Their purpose was to spend time with family members on the Jordanian side of the border. This was a commonplace event since the end of the War of Independence, when hundreds of thousands of Arab refugees left the territory of

the State of Israel, in the process breaking up families and clans that until then had lived in a single geographical area. The encounters mainly took place during holidays. On this particular date the Muslim community was celebrating Eid el-Fitr. Sometime after the Arab citizens set out, shots were fired in their direction, killing two people and wounding five others.

The shooting and killing of Arab citizens of Israel naturally sparked civil and political protest.

In its defense, the IDF contended that the Arab citizens had violated the explicit order—brought to their attention in every possible way—not to approach the border, even if their declared purpose was just to meet with their relatives on the other side. The IDF also claimed that before opening fire, the group was warned not to continue on its way. These statements implied that opening fire was therefore the last resort to enforce the IDF orders. The Arab citizens and their political supporters dismissed these claims altogether. They said that encounters of this sort occurred several times a year, even during the days of Eid el-Fitr, with the knowledge of IDF commanders. They further claimed they were targeted deliberately, with no prior warning.

The debate surrounding the Kafr Ara incident focused largely on the orders to IDF soldiers to open fire. This issue has occupied Israel and the security forces for many years, up to the present. Similar debates were recorded over the years, including with the Kafr Kassem affair (October 1956); the Land Day events (March 1976); and the events of October 2000. Other shooting incidents have aroused widespread public reactions, among them the killing of Egyptian prisoners of war (Operation Kadesh—Suez crisis, October 1956); shooting at demonstrators over the border (the Barel Hadaria Shmueli affair, September 2021); the killing of a wounded terrorist (the Elor Azaria affair, March 2016); and the killing of the journalist Shireen Abu Akleh (May 2022).

The State of Israel sees itself as a Western country that over the years has striven to balance the need to defend its citizens and its fundamental interests with the need to observe the accepted principles of international law and ethics of warfare. The international community has tried, and to a large extent has succeeded, in formulating a consensus around permissible warfare and the justification for opening fire. Nevertheless, many people in Israel believe that Israel operates in unique circumstances, since it is the only state whose very existence has always been under constant threat. Therefore,

“it is allowed” to adopt more flexible criteria regarding open-fire orders.

As Israel grew stronger politically and militarily, and its existence as a powerful state in the international arena was no longer in doubt, the existential threat abated, and Israel was expected to strictly uphold the rules of international law. However, in the period covered by this article, a few years after the Holocaust and the War of Independence, the sense of existential threat was real and imminent. It certainly had considerable influence on the decision making process, both among soldiers on the ground and at the senior political-military level.

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Due to Israel’s involvement in numerous wars and armed clashes, the dilemmas around Israel’s natural desire to defeat its enemies on the one hand, while maintaining its humanity and unchallenged membership among Western countries on the other, have often appeared on the public agenda. The many incidents that deviate from the rules of “ethical fighting” and “purity of arms” have become the subject of a bitter controversy in Israeli society.

The present study focuses on the incident in 1952 in which Arab citizens of Israel were killed by the IDF. It examines the positions of Chief of Staff Yadin, Knesset Members, in particular members of the left wing party Mapam, and Prime Minister Ben-Gurion. It is important to shed light on this event and the ensuing discussions, as perhaps there are lessons for today’s political situation.

The Government’s Strategy: Postponing the Debate

In the background of the shooting at the residents of Kafr Ara were almost certainly

difficult “historical memories” of the struggle with the Arabs in the area in the period before and during the War of Independence. In an account of Wadi Ara, Yosef Nedava wrote:

The 25 Arab villages in the Wadi Ara area, with a population of about 30,000 people, which were annexed to Israel following the armistice agreement with Jordan, are a world unto themselves, a kind of “unknown land.” Before the war almost no Jew had set foot there. This is all we knew: from here rioters would come down to commit murder and robbery in the Sharon Valley villages. (Nedava, 1950)

In addition, some residents of the area were engaged in extensive hostile activities that the security forces were unable to control. At a government meeting on May 24, 1953, Minister Israel Rokach described the security situation around Wadi Ara from his personal experience: “I always drive through Wadi Ara at night when I have to be in the north. I won’t stop doing so. I am amazed that no violent incident has happened there recently. There are no guards. There are thieves, robbers” (Government meeting, 1953a). “There’s no end to the smuggling,” wrote Nedava. “The Arab villages on the borders of the ‘Triangle’ are a security problem of the first order. All the villages here are effectively border areas.... If the hostilities are renewed, this place will be the source of a security threat for Israel” (Nedava, 1950; Shahori, 1952).

These words could reinforce the assumption that the reason for opening fire on Arab citizens of Israel was not only that their approach toward the armistice borders created a sense of danger to the state. It is very probable, although there is no proof, that firing at the marchers was bound up with a desire “to settle historical accounts,” in view of hostile actions against Jews carried out by local residents before and during the War of Independence. In addition, it is possible

that the shooting also arose from the desire of the security-military leadership to instill fear among the Arab citizens living in the area, in order to increase deterrence and strengthen the sense of security in the area.

The minutes of the declassified government meetings and the Foreign Affairs and Defense Committee debates clearly reveal the nature of the government response in face of the severe incident in the Ara area. This response was marked by great confusion, and to a large extent, helplessness, of the government, and in particular, its head, David Ben-Gurion.

The most striking impulse in the early stages was to postpone the public debate of this embarrassing event as long as possible. It was likely assumed that over time there would be less public and political interest in the incident. As such, the government would not have to confront the awkward situation with immediate high-level intensity. Consequently, both the government and the IDF could avert excessive damage to the reputation of the state and its security forces, with no serious risk to the government’s political stability.

Chairman of the Foreign Affairs and Defense Committee Meir Argov sided resolutely with the government on this issue, trying to lower the profile of the incident and particularly the accusation that this action could be defined as “murder.” “First of all, we have to study the details of the event thoroughly,” he stated. Argov asked the Defense Minister, Ben-Gurion, to present his position; Ben-Gurion preferred to have the account given by the IDF Chief of Staff, Yigael Yadin. This seems to reflect Ben-Gurion’s strong attempt to distance himself as much as possible from the affair, so that most of the blame would fall on the IDF (Foreign Affairs and Defense Committee, 1952a, p. 4).

Chief of Staff Yadin stated: “Over the past two years, at the end of Ramadan, the residents of Arab villages in Israel, against the orders of the military authorities, have followed a custom of crossing the border here and there in groups in order to meet with various relatives and non-

relatives from the other side.” In the past year, the military authorities had warned the villages around Wadi Ara to stop this custom. The reason for this change was clear: the number of encounters rose and included illegal transfer of cash, an act considered harmful for the Israeli economy. With this in mind, the IDF decided to increase patrols in the area. “This year,” continued the Chief of Staff, “the IDF received concrete information of the intention of many Arabs in the Wadi Ara area to cross the border and meet with relatives. IDF officers warned the mukhtars [leaders of the Arab community] that they must prevent such meetings at, or beyond, the border” (Foreign Affairs and Defense Committee, 1952a, p. 4).

Yadin’s choice of words shows that he tended to see the Israeli Arabs as hostile to Israel, akin to the infiltrators who crossed into Israel from neighboring countries to commit violent acts against the state and its citizens. At the time, this feeling was fairly common among citizens belonging to the country’s political and security establishment, as well as in the media. Yadin did not bother to present significant evidence to justify such a serious accusation against the Israeli Arab citizens who simply wanted to meet relatives who were cut off from their families in the aftermath of the war. Nevertheless, none of the committee members demanded that the Chief of Staff show data that would allow them to form an independent position on this complex issue. Nor was it clear if anyone had considered the risk that preventing meetings with relatives near the border could foster an atmosphere of frustration and protest among Israeli Arabs and encourage hostile activity, which would constitute a threat far more serious than the economic threat mentioned by the Chief of Staff.

The Arab citizens, the Chief of Staff stated, had refused to obey these instructions and refrain from meeting their family members across the border. He admitted that the security forces did not strictly enforce these instructions in the period prior to the fatal incident. In

fact, the impression was that they generally turned a blind eye to repeated violations of the instructions. This improper tactic allowed the army to act arbitrarily and decide for itself, at a time that suited it, when and with how much determination it would enforce the instructions.

On June 25, 1952, according to the Chief of Staff, at eight in the morning, the Border Police encountered a group of Arabs trying to cross the border to meet relatives. The group was warned directly that if they tried to cross the border, more extreme measures would be taken, and they turned back (Foreign Affairs and Defense Committee, 1952a). The Chief of Staff thereby admitted that the natural, peaceful way of proceeding in these circumstances successfully implemented the IDF instructions without the need to open lethal fire.

According to the Chief of Staff, the soldiers had received “clear orders...that anyone who tries to cross into Israel from Jordan or from Israel into Jordan must be warned. If they fail to stop, [the soldiers should] shoot them, unless there are women and children, in which case everything must be done to avoid opening fire on them” (Foreign Affairs and Defense Committee, 1952a, p. 4). Furthermore, during that time, according to the Chief of Staff, the IDF set up ambushes along the border. This method is generally used in the war against infiltrators illegally entering the country from neighboring countries to attack citizens and soldiers. Yadin did not explain why it was necessary to have recourse to this method, when the goal was merely to stop citizens approaching the border.

Yadin continued, saying that one IDF ambush unit encountered a group of Arab citizens that was about to cross the border. The soldier in charge of the ambush ordered the Arabs to stop, and when they failed to do so, his unit opened fire on them. As a result, two were killed and five were wounded. In this laconic way, with no expression of remorse or regret, the Chief of Staff reported fatal fire by soldiers at civilians.

It is interesting that here Yadin did not bother to note that the soldiers first fired in the air and

then at the civilian group, as he claimed later. The Border Police commander, according to the Chief of Staff, reported the incident immediately to everyone concerned, and the IDF, which feared a violent response from relatives of the Arab citizens, called for reinforcements. The two dead were from Kafr Ara, and the wounded included two children. The Chief of Staff clarified that the area was quiet and there was no fear of additional incidents. He also claimed the incident occurred at the border. However, the Arabs claimed that the event took place some distance from the border (Foreign Affairs and Defense Committee, 1952a).

Overall, the central failure behind the serious incident in Wadi Ara, as shown by the Chief of Staff's account, lay in the instructions given to the soldiers. They explicitly included permission to open live fire against citizens who were not endangering soldiers' lives. The impression is that the Chief of Staff was not aware of the awkward position his support for this action by the security forces created. Perhaps the orders, as well as the actions of the soldiers, can only be understood by considering the intensive emotions that accompanied the fighting of a stubborn Arab enemy, which had led to many casualties on the Israeli side, before, during, and after the War of Independence. Another possible reason could be Yadin's wish to consolidate his status as the sole authority on security issues, taking into account his severe disputes with Ben-Gurion over many years, including during the War of Independence.

The Opposing Views of Chief of Staff Yadin and MK Riftin

Later a fierce disagreement arose between Yadin and Mapam MK Yaakov Riftin. The Chief of Staff quickly realized that he had made a serious mistake by getting into a fight with the MK, which severely damaged Yadin's status and prestige. Riftin knew how to fight for his positions with great determination and without fear. He had very impressive intellectual abilities and oratorical talents, with which he challenged

not only the leaders of the state but also the heads of his own party.

At that time the IDF was essentially a sacred cow. The general tendency was to give it complete backing, particularly in connection with operations it undertook against Arabs, and even in cases of its poor performance. The criticism from Riftin and some of his colleagues of IDF actions in this affair was undoubtedly an exceptional event in the Israeli political landscape at that time.

MK Riftin was deemed by the Mapai leadership to be the leader of a radical left-wing line that supported the Soviet Union under Stalin without reservation. In tandem, internally, he adopted a belligerent and defiant stance against the security bodies in Israel and their "discriminatory attitude" toward the local Arab population. Riftin's unconditional support for Soviet communism in the dark years of the 1950s subsequently led him to confrontations with Meir Ya'ari and Yaakov Hazan, leaders of his own party (Ben-Aharon, 1977; Halamish, 2013, p. 53; Lamerhav correspondent, 1967).

From the start of his remarks, Riftin challenged the version of events presented by the Chief of Staff to the committee. He presented a version that he said was drawn up by Eliezer Be'eri, coordinator of Mapam's Arab Action Department, intended for publication in the daily *al-Hamishmar* but barred by the censors. Be'eri arrived at the scene of the incident two hours after it began, together with Mapam MK Rustum Bastouni; they spoke with Arab witnesses and officers of the IDF. They had come to Kafr Ara to greet Mapam MK Ahmed al-Khaled, who lived there, on the occasion of Eid el-Fitr. On their arrival they learned that al-Khaled was one of the people killed in the incident. All the witness statements they obtained, from the many people in close proximity to where the event took place, were "completely different" from the version presented by the IDF spokesman, according to Riftin. Each witness was prepared to give his version of the event before a court or inquiry

(Foreign Affairs and Defense Committee, 1952a, p. 5).

At a certain stage, the Chief of Staff likely realized that he was pitted against an extraordinary political personality who was not prepared to toe the line, not even for such an authoritative and experienced Chief of Staff as Yadin. Under these circumstances, Yadin should have understood that continuing the dispute with Riftin would seriously damage his own image, along with the prestige and credibility of the IDF. He could have retreated slightly and proposed setting up a committee to investigate the event. He could assume that the deliberations within the committee would take a long time, thus in effect “burying” the affair. However, Yadin apparently believed that the glory surrounding his image after the victory he led in the War of Independence would enable him to impose his position on the political level. He chose—to his detriment—to dig his heels in and continue the quarrel with Riftin and his colleagues, which occasionally deteriorated to an exchange of personal insults (Foreign Affairs and Defense Committee, 1952a, p. 5).

Though present at the debate, Prime Minister and Defense Minister Ben-Gurion chose not to lend the Chief of Staff his support at this difficult juncture, thus leveling additional damage to the status of the Chief of Staff. Riftin took advantage of this: “I will continue to examine the incident, until all details related to it are exposed to the public,” in spite of Chief of Staff Yadin’s opposition (Foreign Affairs and Defense Committee, 1952a, p. 5).

Riftin claimed that Arab residents had occasionally met with relatives and friends living in Jordan. This year such meetings were not approved, and the ban was strictly maintained until the start of the first holiday. The Arabs understood that the purpose of the ban was to prevent the smuggling of Israeli money. And indeed, after the first holiday the ban on meetings was effectively canceled. Government representatives present at the location did not try to prevent the meetings. On the last day of

the holiday, a large group of celebrants went to meet their relatives by the border. There were sixty or seventy people, including women and children. Some were riding donkeys, and others were on foot (Foreign Affairs and Defense Committee, 1952a, p. 5).

When they were about half a kilometer from the border, Riftin continued, without warning they found themselves under a barrage of gunfire that continued even when they lay on the ground, some wounded and some seeking cover. The group claimed they had no intention of crossing the armistice lines. This evidence is supported by other citizens nearby. This terrible event, said Riftin, deeply shocked both Jews and Arabs, and endangers the security of the State of Israel. Riftin expressed the hope that the Defense Minister would condemn the action and denounce whoever is guilty. He did not ask for a legal inquiry to investigate the incident, nor did he ask that the soldiers be punished by law (Foreign Affairs and Defense Committee, 1952a, p. 6).

In his response, Chief of Staff Yadin sought to downplay the dispute to a sort of technical issue of positioning the civilians at the time of shooting. He estimated correctly that on such an issue the testimony of the military personnel at the scene would be considered more valuable than that of the “political wheeler-dealer” some distance away. His arguments were clear: i. The Arabs were approaching the border to meet with residents of an enemy country. ii. They knew this was forbidden. iii. Their action was contrary to the law, and in defiance of warnings from the military authorities (Foreign Affairs and Defense Committee, 1952a). The only disagreement was over the question of whether the incident occurred at the border, as the IDF claimed, or half a kilometer away, as Riftin charged. Yadin clung to his claim that the group members were at the border and trying to meet with residents of a hostile country, contrary to IDF orders (Foreign Affairs and Defense Committee, 1952a).

It was clear to all that the Chief of Staff presented a partial picture only. He chose to

focus on minor issues of a basically tactical nature, such as the civilians' distance from the border when they were shot. These were not the issues in dispute, and the Chief of Staff knew that. Rather, the dispute centered on a broader issue of principles and ethics: can the IDF, even if the information given by the Chief of Staff is correct, shoot to kill at Israeli civilians, including old people and children, who obviously posed no danger to the soldiers? (Foreign Affairs and Defense Committee, 1952a). Furthermore, describing the Arab Israeli citizens as meeting with residents of a hostile country was a deliberate misstatement, given that their goal was just to meet relatives for the celebration of Eid el-Fitr.

A more flexible Chief of Staff could have ended the incident in a much better way. He could have expressed deep sorrow over the tragic event, calling for an investigation by people enjoying high public trust, such as retired IDF generals and senior members of the security or judicial establishment.

At this stage, committee members were careful to preserve the Chief of Staff's honor. None tried to put him in his place and underscore that in a properly-run democratic country, soldiers cannot shoot citizens, even if they are perceived as breaking the law, as long as their actions pose no risk to the soldiers' lives. Moreover, it was highly probable that any violation of the law was committed in error and not intentional (Foreign Affairs and Defense Committee, 1952a).

Nonetheless, the Chief of Staff decided to dig in, to impugn the credibility of Knesset members, and to complain, in a way that could be interpreted as self-pitying, about the severe criticism directed at the army: "I am very sorry," said Yadin, "that the army is under attack from all sides." The censorship in this case, according to Yadin, is not intended to hide the event from the public. "The censors," he asserted, "banned publication of this item because it undermines

the soldiers' confidence in their actions at the border and tries to prove that the orders and information that they receive are contrary to the instructions from the competent institutions" (Foreign Affairs and Defense Committee, 1952a, p.6).

The Chief of Staff continued to complain:

The soldiers aren't sitting here [relaxed and comfortable] or in Tel Aviv; they are sitting next to the border. They were instructed that if someone tries to cross the border after being warned, they must shoot him. If he is going to the border to meet people from an enemy country, whatever his explanation may be—and here there's no issue of political parties [the army must prevent it].

In these circumstances, that is, if the elected politicians fail to give the IDF backing, Yadin threatened implicitly, then he may draw personal conclusions, namely, resign from office. "In a situation of infiltration, the army won't be able to do what is required; we see this [criticism of the army] as encouragement for unlawful actions against the State of Israel. If they [MKs] want to give different orders on how to fight along the border, then please [replace me with someone else]" (Foreign Affairs and Defense Committee, 1952a, pp. 6-7).

A more flexible Chief of Staff could have ended the incident in a much better way. He could have expressed deep sorrow over the tragic event, calling for an investigation by people enjoying high public trust, such as retired IDF generals and senior members of the security or judicial establishment. The government could have given this committee a wider mandate beyond the events at Kafr Ara. The report could perhaps have focused on the broader issues of relations between the State of Israel and its Arab minority. The government could refrain from demanding that the committee submit an immediate report. The

MKs, including Mapam members who criticized the IDF conduct in the incident, would likely have accepted such an arrangement. In any case, the passage of time would have weakened interest in the issue.

Ben-Gurion's Reaction

In his remarks before the Foreign Affairs and Defense Committee, Prime Minister Ben-Gurion had to maneuver between the following main considerations:

- a. His clear opposition to the unacceptable behavior of the soldiers in Kafr Ara, and the obvious need to bring them to justice and punish them, if necessary.
- b. His fear of confronting a very powerful Chief of Staff, Yadin, identified with the impressive victory in the War of Independence. His military abilities were highly appreciated within the Jewish community in Israel. Besides, Yadin was supported by powerful parties and statemen, who would no doubt oppose any attempt by Ben-Gurion to weaken Yadin's position. This might lead to destabilization of Ben-Gurion's coalition.
- c. Ben-Gurion certainly estimated that an attempt to bring the soldiers to justice would necessarily open a huge Pandora's Box of the many improper acts carried out by the IDF during the War of Independence. This would be extremely harmful to the image of the Jewish state in world public opinion.

These considerations led Ben-Gurion to propose a full investigation of the event. Ben-Gurion believed that the inquiry should be conducted by a military entity, whose members would in practice be "under his control" and said, "I ask the General Staff to clarify [the details of] this case... It should hear the witnesses and question them. I hope that within two weeks it will be possible to report its conclusions to this Committee" (Foreign Affairs and Defense Committee, 1952a, p. 7).

Ben-Gurion did not say who would appoint the members of the inquiry committee. Should it be done in coordination with the Defense

Minister or the Ministry of Justice? And what exactly will be its mandate? Surprisingly enough, Ben-Gurion saw no problem in the fact that the body to be investigated would be the body investigating the events.

Ben-Gurion understood that handing the investigation to an external body removes the event from his control and could lead to a serious internal crisis. This is why he was quick to state that: "This will not be a legal inquiry but an investigation of the facts. The investigating institution will not be the court, only the facts will be investigated by the government... the government does not conduct trials" (Foreign Affairs and Defense Committee, 1952a, p.9). Ben-Gurion believed that there must first be a discussion of the facts, and only then they would decide whether it is necessary to take legal action. He obviously fully understood the explosive situation before him and did his utmost to ensure that the inquiry into the event would be largely under his control. At this stage he also wanted to buy time. He knew that as time passed, the demand for an independent inquiry would abate.

At that time, when the Arabs of Israel were still under martial law and many Israelis saw them as a danger to state security, Ben-Gurion could assume that Arab eyewitnesses would be very wary to testify before a committee steered, overtly and covertly, by the military. He could also assume that a committee whose members came from the security-military sector would not dare to disagree with the Chief of Staff, and its position would therefore be close to his position. In other words, it would give full backing to the IDF. Apparently, the fact that it might seem inappropriate in the eyes of the public did not bother him too much. He was determined "to close the matter" and contain the damage as much as possible. Chairman Meir Argov quickly adopted Ben-Gurion's position and sped up the process of lowering the incident's profile by postponing the discussion for two weeks after the end of the committee's work (Foreign Affairs and Defense Committee, 1952c).

It is no surprise that in these circumstances the Chief of Staff also expressed support for an “inquiry,” and even tried to hint at the expected conclusions of the investigation: “I believe,” he said, “our soldiers were 100% right. I would like to know whether Knesset members think that a meeting between residents of the State of Israel, without the permission of the Israeli authorities, and residents of a hostile country is a legal action or something that should be opposed with force?” (Foreign Affairs and Defense Committee, 1952a, p. 7).

Once again, the Chief of Staff displayed his rigid thinking. He well knew that nobody could argue that the Arabs’ procession from Kafr Ara could be deemed legal, even if it emerged that they were unaware of the ban. He also knew that if they had been given a warning nobody would object to the use of reasonable force to compel them to return to their homes. However, opening fire on innocent civilians was an excessively violent response, which could not be justified in any way.

Additional Parliamentary Reactions

Among the Knesset members, Yitzhak Ben-Aharon expressed the strongest criticism of the IDF behavior. He stressed that the Chief of Staff should be held accountable for this tragic event. He made it clear that the need to fight infiltration does not grant an authorization to kill unarmed civilians, even if they broke the law: “Is it reasonable,” he wondered, “to assume that our troops, at 8:00 in the morning in full daylight, facing a group of dozens of women and men, do not have other means available before opening fire?” (Foreign Affairs and Defense Committee, 1952a, pp. 7-8).

Ben-Aharon asked that the inquiry not merely focus on the military aspects of the incident. If it emerged that this action was not appropriate, he stated, the state should pay compensations to the victims. Later, Ben-Aharon did not hesitate to call the incident “murder” and explicitly asked that the guilty be punished (Foreign Affairs and Defense Committee, 1952b).

Presumably Chief of Staff Yadin understood that the investigation could severely damage his status, and even bring an end to his military career. Against this background he asked that the deliberation on the event be part of a broader discussion of the issue of hostile infiltration. He most likely assessed that a presentation of the severity of the infiltration problem would create greater understanding for the soldiers’ aggressive actions toward the Arab-Israeli citizens and soften the criticism of the soldiers’ action.

Within this framework he tried once again to delegitimize the demand for an inquiry, with an argument that he had raised earlier, namely that the people demanding an investigation live in the center of the country, with no sense of danger and unaware of the dangers that soldiers face. “I suggest,” said Yadin, “that when the final report of this event is submitted, there should be a discussion on the whole problem of infiltration” (Foreign Affairs and Defense Committee, 1952a, p. 8).

Riftin understood the Chief of Staff’s intentions well and was determined to stop his dodging a painful investigation of the incident: “This [killing of Arab civilians] is not linked [to the problem of infiltration]” he shouted. “It certainly is linked,” replied Yadin. And again, in an effort to show the difficult and complex situation in which the security forces operate in the area, he tried to persuade the committee members to recognize that the soldiers had no alternative but to act in the way they did. Yadin reported to the committee on a skirmish that occurred a few days prior in which four soldiers were killed “just 200 meters from the border...There [near the border] soldiers cannot behave as if they are sitting in Tel Aviv.” Yet at the government meeting, Defense Minister Ben-Gurion gave different details on this incident, saying that the four soldiers had crossed into Trans-Jordanian territory in error. “Three of our soldiers were killed by gunfire. The squad commander took a whole company and went to find the bodies...There was another exchange

of [fire] and another Jewish soldier was killed” (Government Meeting, 1952a, pp. 9-10).

The Committee Report

The following week (July 8, 1952), David Ben-Gurion appointed a committee to investigate the incident at Kafr Ara. He said that he would bring the committee’s conclusions to the Foreign Affairs and Defense Committee for discussion. The committee was headed by Haim Tsadok (from the Ministry of Justice), who was at that time assistant to the State Attorney, and eventually became Minister of Justice. Other members of the committee were: representing the General Staff, Lt. Col. Yehoshafat Harkabi, a member of the Israeli delegation to the armistice talks in Rhodes; and representing the Ministry of Defense, Lt. Col. Yitzhak Shani, staff officer on the ceasefire committees (Foreign Affairs and Defense Committee, 1952b).

In the Foreign Affairs and Defense Committee meeting on July 29, 1952, Ben-Gurion explained that he had received the committee’s report, which was read at a meeting on August 5, 1952. The committee confirmed that there was a ban on crossing the ceasefire lines and on contact with Jordanian residents; this ban was well known to the villagers in the area. The order stated that “such meetings must be avoided in all cases” (Foreign Affairs and Defense Committee, 1952c, p. 3).

The committee determined that at 7:30 in the morning, two Arab women passed by an ambush on the way to the border. The soldiers in the ambush did not stop them. At 8:30 a group of about forty residents arrived, including women and children, some riding on horses and donkeys, and some on foot, headed for the border. When they were some 200-250 meters from the ambush, they came under fire. According to all the Arab witnesses, there was no prior warning. This contradicts the testimony of the soldiers. The committee suggested a compromise between the two versions, whereby there was a lot of noise so the soldiers’ calls to halt were not heard.

The bodies of the victims were taken to their families, and the wounded were taken to the hospital (Foreign Affairs and Defense Committee, 1952c).

The impression is that the committee completely avoided determining who was responsible for the incident. At the end of the report, the committee submitted the following principal recommendations:

- a. The meetings Arab citizens of Israel with relatives in Jordan is fundamentally a humanitarian issue. A full ban on these meetings is a regulation that most of the public cannot be expected to obey.
- b. People who openly approach the border and are known to be Israeli residents must not be treated as infiltrators. They should first be dealt with using policing methods. They must not be fired at unless there is no other way of preventing them from crossing the border (Foreign Affairs and Defense Committee, 1952c, p. 6; Committee Conclusions).

Ben-Gurion’s Conclusion

With these considerations in mind, Ben-Gurion formed his view of the Kafr Ara event. His main points were as follows:

- a. The committee’s recommendations do not reflect the seriousness of the infiltration problem. The committee does not see the dangers of contacts between Arab residents of Israel and residents of Jordan. Hundreds of thousands of refugees are camped on Israel’s borders seeking to return to Israel. Arab countries exploit the refugees for their own military needs, mainly to carry out acts of sabotage, and for intelligence purposes. Among the Arabs citizens of Israel there are individuals who bring refugees into the country and arrange visas for them, which would permit them to stay in Israel and eventually become Israeli citizens (Ben-Gurion, 1952e; Defense Minister’s comments, 1952; Foreign Affairs and Defense Committee, 1952c, p. 5).

- b. All Israeli citizens, Jewish and Arab, must know that enforcing the law and maintaining state security mandates the use of all means necessary. Anyone who gives aid to infiltrators in any way, and anyone who maintains illegal contacts with enemy countries, will bear full responsibility. The law and security forces will use all means against breaches of the law and security (Ben-Gurion, 1952e; Defense Minister's comments, 1952; Foreign Affairs and Defense Committee, 1952c, p. 7).
- c. There is no question that preventing border crossings requires the use of force. However, force must be used cautiously and only to the extent required by the particular case (Foreign Affairs and Defense Committee, 1952c). Elsewhere Ben-Gurion said: "I am not saying that [the soldiers] broke the law, but they acted irresponsibly... This is a very serious and very grave matter" (Ben-Gurion, 1952e; Defense Minister's comments, 1952; Foreign Affairs and Defense Committee, 1952b, p. 2).
- d. There were operational failures in the handling of the incident: i. Management of the event was handed over to a unit in training: "They mixed training with a military operation... which should not be done," said Ben-Gurion (Foreign Affairs and Defense Committee, 1952b, p. 4). ii. There was no need to set up ambushes. This is a means usually implemented in warfare against infiltration (Foreign Affairs and Defense Committee, 1952b). iii. These failures are the responsibility of junior IDF officer ranks and not of the top military ranks (Defense Minister's comments, 1952; Foreign Affairs and Defense Committee, 1952c). iv. Families affected by the incident should receive compensation from the government (Foreign Affairs and Defense Committee, 1952c).

Thus, ultimately, David Ben-Gurion overall showed a clear inclination to accept the view of Chief of Staff Yadin: "There was no crime here" in the IDF action in Wada Ara, he stated

decisively. "There was a mistake, an error of judgment. A mistake like that is very serious." However, "there was no criminal act. There is no doubt that the soldiers called out and warned the Arabs, and when they heard nothing, they shot at their legs after shooting in the air." There was no crime, and it's a pity that [Knesset members] have used words like murder and murderer" (Foreign Affairs and Defense Committee, 1952d, p. 8).

The words of Ben-Gurion necessarily aroused surprise. He himself sanctified the idea of the separation of branches as the basis for proper conduct by the State of Israel. Yet here he was pronouncing judgment on an issue that was the subject of dispute that could be determined only by judicial process (Foreign Affairs and Defense Committee, 1952d).

Criticism of Ben Gurion's Position

MK Mordechai Bentov challenged Ben-Gurion, charging that he had "damaged the good name of the IDF and the laws of jurisdiction by making himself investigator, judge, and acquitter in the killing of Arab residents of Israel in Wadi Ara" (Knesset Proceedings, 1952b, p.129).

At the Knesset meeting of August 28, 1952, Pinhas Rosen, who was the leader of the Progressive Party and was later appointed as the Minister of Justice, likewise did not accept the Defense Minister's position:

We are not happy with the determination that those who caused the deaths and injuries of residents of Israel are not [defined] as guilty in the criminal sense. We are not satisfied with the inquiry. Why is there an administrative inquiry into such matters? After all our law defines how to investigate these matters. If a citizen... is killed by gunfire, then this must be investigated by whoever is appointed by the law to conduct an inquiry, and not the government. (Knesset Proceedings, 1952a, pp. 3205-3206)

The sharpest criticism of Ben-Gurion came from Mapam MK Hanan Rubin. From the outset he stressed that he speaks for the entire party:

The problem of infiltration is serious and also grave...but...there is no link between infiltration and the wounding and killing of Israeli citizens...The fact is that men, women, and children were proceeding in daylight on Israeli territory toward the border...These people were wounded and killed on Israeli territory, some distance from the border...The military authorities knew of the guilt of the commander in charge of the unit [Shmuel Goren], but they tried to cover up the matter by publishing an announcement that was completely contrary to the real situation...by the arbitrary use of censorship to prevent the press from publishing the truth. The shots were not aimed at their feet, as should have happened even with infiltrators. The instructions say not to shoot at children...However, children were among the wounded...Apparently...the Arab citizen of our country is considered a second-class citizen...This is premeditated killing [an action called] murder...We want people to face trial in order to remove this stain from the army. If the Defense Minister cannot accept this demand...then we must impose on him parliamentary responsibility...and propose a motion of no-confidence. (Knesset Proceedings, 1952a, pp. 3205-3206)

The Knesset rejected the motion of no confidence by 52 votes from the coalition parties and the Herut faction; fourteen members of Mapam and Maki voted for the motion, and 27 abstained. Chairman Argov stated that “Our guards move along the borders and cannot easily know what might happen. The Prime

Minister and Defense Minister condemned their behavior and determined it was an error. He also said there would be compensation” (Motion of No Confidence, 1952).

David Ben-Gurion’s reputation emerged damaged from this incident. The man who was able to navigate far more serious and complex crises acted in a way that denied him control of the events. He strongly criticized the conduct of the army, but he also showed a clear inclination to contain the event and avoid prosecuting those accused of the killing.

Conclusion

The Wadi Ara affair put the IDF and then-Chief of Staff Yigael Yadin in an uncomfortable and unflattering position. It is hard to understand what led such an experienced commander, with a rich history of considerate strategic decisions, to adopt such an attitude completely opposed to the value system on which the State of Israel and the Israel Defense Forces were established.

David Ben-Gurion’s reputation also emerged damaged from this incident. The man who was able to navigate far more serious and complex crises acted in a way that denied him control of the events. He strongly criticized the conduct of the army, but he also showed a clear inclination to contain the event and avoid prosecuting those accused of the killing.

This behavior is in clear opposition to his decisive position on other issues of the ethics of fighting, during and after the War of Independence—in the Qibya and Kafr Kassem affairs. Ben-Gurion probably believed that an exposure of the event in a high profile could undermine the political stability of Israel. It could also be very harmful to the status of Israel in the international arena in general, and particularly in Western public opinion—all while existential threats still loomed over the state.

The writer wishes to thank the INSS interns who helped him to collect the material: Sophia Schmidt, Ignacio Rivas, Linor Gormezano, Gil Kastenbaum, Amit Olami, Shai Shuval, Michal Bakshi, Daniel Braslev. My thanks also go to Yefim Megril from the library of the Ben-Gurion Institute of Israel Studies, and to Yonat Rotbein Merla and Dudu Amitai from the Yad Ya'ari Archive, Givat Haviva.

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