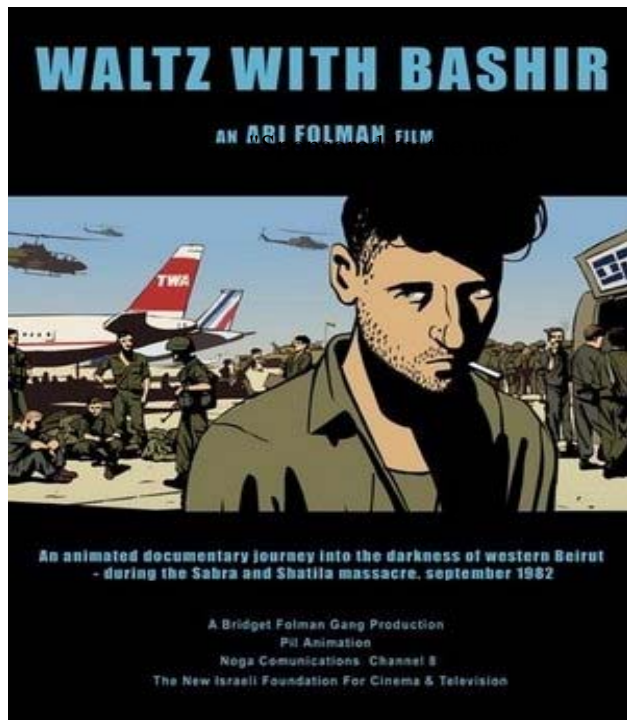


"Our hands did not shed this blood ..."



The Talmud determines that the ability to prevent a crime or, at least, to protest against it, constitutes a degree of responsibility that incurs divine punishment if not human: "Anyone able to protest [the blameworthy conduct] of a member of his household who fails to do so is blamed together with his household; of the people of his city—is blamed with the people of his city; of the entire world—is blamed with the entire world." (Shabbat 54b) That he is liable not under human law but only under divine law resembles the distinction drawn between "legal righteousness" and "moral righteousness."

Benjamin Ish-Shalom, "Purity of Arms" and Purity of Ethical Judgment. Meorot (Shevat 5767)

וְעָנוּ וְאָמְרוּ יָדֵינוּ לֹא שָׁפְכוּ אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ... דְּבָרִים כֵּן, ו

and they shall answer and say, 'Our hands did not shed this blood, nor did our eyes see it.'

Deuteronomy 21:7

"Would anyone expect that the elders are guilty of murder? Rather, they declare that they did not see him and knowingly allow him to leave without food or without an escort."

Rashi on Deuteronomy 21:7

Summary of the conclusions of the Kahan Commission

In February 1983, the Kahan Commission investigating the horrific events at the Sabra and Shatila camps published its report. No evidence was found that IDF senior officers had known of the massacre, let alone conspired with the Phalange commanders to carry it out; indeed Sharon later successfully sued *Time* for claiming he had done so. Still the commission maintained that they ought to have foreseen it and, since they are representatives of the occupation force were responsible for whatever went on in the Beirut area, prevented it from taking place. Amir Yaron, the commander on the spot, was asked to resign, as were the chief of intelligence (Major General Saguy) and Ariel Sharon (Israel Minister of Defense 1981-1983). As for Eytan (Raphael Eytan – Chief of IDF Staff 1978-1983), his term of office was about to end. Therefore the commission, though treating him with undisguised contempt, did not demand his resignation.

Martin Van Creveld, *The Sword and the Olive: A Critical History of the Israeli Defense Forces* (Public Affairs, 1998) 301.

"that the massacre at Sabra and Shatila was carried out by a Phalangist unit, acting on its own but its entry was known to Israel. No Israeli was directly responsible for the events which occurred in the camps. But the Commission asserted that Israel had **indirect responsibility** for the massacre since the I.D.F. held the area, Mr. Begin was found responsible for not exercising greater involvement and awareness in the matter of introducing the Phalangists into the camps. Mr. Sharon was found responsible for ignoring the danger of bloodshed and revenge when he approved the entry of the Phalangists into the camps as well as not taking appropriate measures to prevent bloodshed. Mr. Shamir erred by not taking action after being alerted by communications Minister Zippori. Chief of Staff Eitan did not give the appropriate orders to prevent the massacre. The Commission recommended that the Defense Minister resign, that the Director of Military Intelligence not continue in his post and other senior officers be removed."

From the Kahan Commission Report (8 February 1983)

<http://www.mfa.gov.il/MFA>

"A basis for such responsibility may be found in the outlook of our ancestors, which was expressed in things that were said about the moral significance of the biblical portion concerning the "beheaded heifer" (in the Book of Deuteronomy, chapter 21). It is said in Deuteronomy (21:6-7) that the elders of the city who were near the slain victim who has been found (and it is not known who struck him down) "will wash their hands over the beheaded heifer in the valley and reply: our hands did not shed this blood and our eyes did not see." Rabbi Yehoshua ben Levi says of this verse (Talmud, Tractate Sota 38b):

"The necessity for the heifer whose neck is to be broken only arises on account of the cheapness of spirit, as it is said, 'Our hands have not shed this blood.' But can it enter our minds that the elders of a Court of Justice are shedders of blood! The meaning is, [the man found dead] did not come to us for help and we dismissed him, we did not see him and let him go - i.e., he did not come to us for help and we dismissed him without supplying him with food, we did not see him and let him go without escort." (Rashi explains that escort means a group that would accompany them; Sforno, a commentator from a later period, says in his commentary on Deuteronomy, "that there should not be spectators at the place, for if there were spectators there, they would protest and speak out.")

When we are dealing with the issue of indirect responsibility, it should also not be forgotten that the Jews in various lands of exile, and also in the Land of Israel when it was under foreign rule, suffered greatly from pogroms perpetrated by various hooligans; and the danger of disturbances against Jews in various lands, it seems evident, has not yet passed. The Jewish public's stand has always been that the responsibility for such deeds falls not only on those who rioted and committed the atrocities, but also on those who were responsible for safety and public order, who could have prevented the disturbances and did not fulfill their obligations in this respect. It is true that the regimes of various countries, among them even enlightened countries, have side-stepped such responsibility on more than one occasion and have not established inquiry commissions to investigate the issue of indirect responsibility, such as that about which we are speaking; but the development of ethical norms in the world public requires that the approach to this issue be universally shared, and that the responsibility be placed not just on the perpetrators, but also on those who could and should have prevented the commission of those deeds which must be condemned."

From the Kahan Commission Report (8 February 1983)

<http://www.mfa.gov.il/>

1 כִּי יִמְצָא חַלַּל בְּאֶדְמָה אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ נָפַל בְּשָׂדֶה לֹא נוֹדַע מִי הִכּוּ: 2 וְיִצְאוּ זְקֵנֶיךָ וְשֹׁפְטֶיךָ וּמִדְּרוֹ אֶל הָעֵרִים אֲשֶׁר סְבִיבֹת הַחֶלֶל: 3 וְהָיָה הָעִיר הַקְּרִיבָה אֶל הַחֶלֶל וְלִקְחוּ זְקֵנֵי הָעִיר הַהִוא עֵגֶלֶת בָּקָר אֲשֶׁר לֹא עֲבָד בָּהּ אֲשֶׁר לֹא מִשְׁכָּה בַעַל: 4 וְהוֹרְדוּ זְקֵנֵי הָעִיר הַהִוא אֶת הָעֵגֶלֶת אֶל נַחַל אִיתָן אֲשֶׁר לֹא יַעֲבֹד בּוֹ וְלֹא יִזְרַע וְעָרְפוּ שָׁם אֶת הָעֵגֶלֶת בְּנַחַל: 5 וְנִגְשׂוּ הַכֹּהֲנִים בְּנֵי לֵוִי כִּי בָם בָּחַר יְהוָה אֱלֹהֶיךָ לְשָׂרְתּוֹ וּלְבָרֶךְ בְּשֵׁם יְהוָה וְעַל פִּיהֶם יְהִי כְלִרֵב וְכֹל נִגְעַ: 6 וְכֹל זְקֵנֵי הָעִיר הַהִוא הַקְּרִיבִים אֶל הַחֶלֶל יִרְחֲצוּ אֶת יְדֵיהֶם עַל הָעֵגֶלֶת הָעֲרוּפָה בְּנַחַל: 7 וְעָנוּ וְאָמְרוּ יָדֵינוּ לֹא [כ= שָׁפְכוּ] [ק= שָׁפְכוּ] אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ: 8 כִּפּוּר לַעֲמֹד יִשְׂרָאֵל אֲשֶׁר פָּדִיתָ יְהוָה וְאַל תִּתֵּן דָּם נָקִי בְּקִרְבְּ עַמְּךָ יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם: 9 וְאַתָּה תִּבְעֵר הַדָּם הַזֶּה מִקֶּרְבְּךָ כִּי תַעֲשֶׂה הַשָּׁר בְּעֵינֵי יְהוָה:

דְּבָרִים כ"א, א-ט

1 "If a slain person is found lying in the open country in the land which the LORD your God gives you to possess, and it is not known who has struck him, 2 then your elders and your judges shall go out and measure the distance to the cities which are around the slain one. 3 "It shall be that the city which is nearest to the slain man, that is, the elders of that city, shall take a heifer of the herd, which has not been worked and which has not pulled in a yoke; 4 and the elders of that city shall bring the heifer down to a valley with running water, which has not been plowed or sown, and shall break the heifer's neck there in the valley. 5 "Then the priests, the sons of Levi, shall come near, for the LORD your God has chosen them to serve Him and to bless in the name of the LORD; and every dispute and every assault shall be settled by them. 6 "All the elders of that city which is nearest to the slain man shall wash their hands over the heifer whose neck was broken in the valley; 7 and they shall answer and say, 'Our hands did not shed this blood, nor did our eyes see it. 8 'Forgive Your people Israel whom You have redeemed, O LORD, and do not place the guilt of innocent blood in the midst of Your people Israel.' And the blood guilt shall be forgiven them. 9 "So you shall remove the guilt of innocent blood from your midst, when you do what is right in the eyes of the LORD.

Deuteronomy 21, 1-9