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The real ‘deal’ and how to get it done—maybe

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President Trump can call his “peace” deal whatever he wants, but the designation “Deal of the Century” rightfully belongs to the one President Bill Clinton and Prime Minister Ehud Barak offered the Palestinians at the dawn of this century. That it went nowhere is one reason why no plan has a chance to succeed at this time.

A second reason involves the word “the.”

The “the” is important for what it represents: the distortion of the truth on the part of world leaders, most of whom are only too quick to accept Palestinian arguments even when these fly in the face of the facts. That distortion has stood in the way of Mideast peace for over 50 years.

Whenever world leaders comment on any proposed peace deal, or on any action taken by Israel they feel compelled to criticize, they invoke United Nations Security Council Resolution 242, passed on November 22, 1967. The only possible route to peace between the two sides is by Israel adhering to 242, they say. By that they mean that before peace can be achieved, Israel must withdraw to its pre-June 1967 borders.

Resolution 242, however, says nothing of the kind—in English—and never did.

I once asked the late Justice Arthur J. Goldberg whether he ever regretted stepping down from the Supreme Court in 1965 to become U.N. ambassador following the death of Adlai Stevenson.

Whenever the thought would enter his mind, he said, he would remember Resolution 242. Of all the things he accomplished in his life, he said, Resolution 242 was arguably his most important one because of the word “the,” the definite article he succeeded in keeping out of the resolution’s most important clause.

The Security Council, in calling for “a just and lasting peace in the Middle East,” said it must include “[w]ithdrawal of Israeli armed forces from territories occupied in the recent conflict.”

“Not ‘from *the* territories,’ but ‘from territories,’ deliberately unspecified territories,” Goldberg said. “The French version has ‘the territories’ because French requires a definite article. But I made certain to have 242 voted on in English only. The English text is the only official text.”

To make that clear, he said, the wording of 242’s second clause was also carefully crafted. All states in the region, it says, have the “right to live in peace *within secure and recognized boundaries free from threats or acts of force*.” Goldberg noted, for emphasis, that before the war gunmen in East Jerusalem would fire on Israelis from over the wall dividing the city. No reasonable person, he said, could argue that the pre-June 1967 borders were “free from threats or acts of force.”

Sadly, nearly everyone in the world argues just that. Yasir Arafat in the past and Mahmoud Abbas in the present lead the chorus in claiming that the only legitimate version of 242 is the French version, with “the” playing the pivotal role.

What the world leaders who agree with the Palestinians ignore, however, is what else 242 says. It calls for a renunciation “of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every State in the area,” neither of which the Palestinians have ever agreed to. Only Israel’s withdrawal to the pre-June 1967 borders matters to them.

So they say, but the evidence strongly suggests it is not what they mean, and the world’s leaders have their heads stuck firmly in desert sand if they do not realize it. For this, we need to look at the real “Deal of the Century” and why it failed.

Clinton, among other things, “recommended 94 to 96 percent of the West Bank for the Palestinians with a land swap from Israel of one to three percent, and an understanding that the [small amount of] land kept by Israel would include 80 percent of the settlers in blocs,” as he recounted it in his memoir.

Israeli forces would withdraw from the new state over a three-year period, to be replaced over that time by an international peace-keeping force, although an Israeli presence would remain in the Jordan Valley for another three years “under the authority of the international forces.”

An international fund, meanwhile, would be created to compensate Palestinian refugees and help them resettle in their new state or assist them in finding homes elsewhere.

Jerusalem’s Arab neighborhoods would belong to the newly created “Palestine,” while the Jewish neighborhoods would be in Israel. The Temple Mount would be under Palestinian jurisdiction, but the Western Wall and the “holy space” beneath the mount would be in Israeli hands.

That truly was the “Deal of the Century,” but Arafat flatly turned it down. The Palestinian leadership had no interest in pre-1967 borders or anything else. The only deal they were interested in then even as now is Israel turning over to it every bit of land from the Mediterranean Sea to the Jordan River, from the Gulf of Aqaba to the Lebanese border. The only Israel they will accept is no Israel at all.

That is not what European and other world leaders want to see, but when they misinterpret Resolution 242, they give the Palestinians a false sense of hope. Arafat and Abbas have both been known to say they seek “the peace of the brave” in English, while vowing to “fight on this blessed land” in Arabic. Everyone knows it; everyone ignores it.

Trump’s plan does not even come close to what Clinton offered, but his plan has less to do with achieving peace between Israel and the Palestinians and more to do with getting himself and Prime Minister Benjamin Netanyahu re-elected. Whether he succeeds in helping Bibi we will know in a little over a week. That he is certainly helping himself among a segment of Jewish voters is beyond question.

The only question is why. Admittedly, there is no one on the other side willing to negotiate with Israel. It does not matter whether Israel has a government committed to peace or opposed to peace; there is no one in Ramallah waiting for an invitation to the table.

Nevertheless, we Jews should be more interested in plans that sound reasonable enough to world’s leaders (and hopefully even to people throughout the Arab world) so that the Palestinian lies about wanting peace can be exposed and pressure on them would become unbearable.

To many of the Jewish supporters of Trump and his no-plan, the idea of trading any land for peace is a non-starter. For many, so is the idea of a two-state solution. As noted in earlier columns on the subject, they believe that Jewish law forbids giving up any land for any reason. They base this on commentaries that state that settling the Land of Israel is of greater merit than all the other mitzvot combined.

What such people ignore is actual halachah, which hyperbolic statements in commentaries are not. They also ignore the example of biblical precedent. King Solomon traded 20 cities in the Galilee for the building materials he needed for God's House (the Temple) and his own, but was not chastised for doing so. (See 1 Kings 9:11.) If land can be traded for pieces of cedar wood, it also can be traded for peace, because, in Jewish law, protecting life takes precedence over nearly all the commandments (including Shabbat and kashrut). The principle of law is known as pikuach nefesh. Peace, true peace, preserves life.

Another important halachic principle is sh’fichut damim (the needless spilling of blood). Inevitable war means inevitable spilling of blood—needlessly, if peace was possible. The Torah, in fact, insists on seeking peace before waging war to avoid the needless spilling of blood. Says Deuteronomy 20:10, “When you approach a town to attack it, you shall offer it terms of peace.” The attack may go forward, but only after all peace efforts are exhausted.

Time is running out and the true key to peace is getting the world’s leaders to stop enabling the Palestinians by ignoring the absent “the.” It is time to put the real “Deal of the Century” back on the table—not by first presenting it to the Palestinians and to Israel, but by getting the world’s leaders to unite behind it and then calling both sides to the table and not letting them leave until a deal is struck.

It is not a plan the naysayers in the Jewish world will ever endorse, to our shame. It is a plan, however, that even most of the Arab world can get behind today, even if they could not do so in 2000. The pressure that would create on the Palestinians would become too great for them to ignore.