

Offer and Acceptance

by Hugh Fitzgerald



I recently attended a Rally for Palestine in the main square of a medium-sized French city close to Marseille. There were flags aflutter of the State of Palestine, two booths full of anti-Zionist propaganda, French middle-aged leftists, committed to the cause, concolorous in their political views with their American cousins of circa 1970, all granola and granny glasses. There were pamphlets of testimonies by "Palestinians" describing the unbelievable behavior of the Zionists, when they started the 1948 war, and then the 1956 Sinai war, and then the 1967 war, and the 1973 war, and several wars made on the peaceful citizens of Gaza – all entirely unprovoked attacks by the monstrous Israelis. There were flags of Palestine for sale. There were photographs of Arafat and Mahmoud Abbas. There was something – I couldn't make out the title – by Noam Chomsky. But what attracted my attention the most were the four outline maps of "Palestine"

that were spread out on the ground, depicting an ever-expanding seizure of Arab land by the Zionist “settlers.”

The first map of “Palestine” showed it in 1946 as almost entirely Arab, with a handful of diminutive Jewish islands in an Arab sea.

The other three maps told a tale of inexorable Zionist expansion. The second map showed Palestine according to the U.N. Partition Plan of 1947. Palestine is still overwhelmingly Arab, but with a little more land area – still discontinuous bits – than in the 1946 map, assigned to the Jews. Then a map showing Israel just before, and then just after, the Six-Day War. No discussion of what caused the Six-Day War. No display of the Sinai as part of the territory Israel won in that war, or mention of how it was given back to Egypt by the Israelis.

Something was missing. Was that Partition Plan of 1947 put into effect? I sweetly asked the Rally for Palestine people. They looked slightly annoyed at the question, especially since there were other visitors present who might get the wrong – i.e., right – idea. One of them said that “no, the Zionists wouldn’t have it.” And that was all he said on the matter. I assume that he knew the truth, but that he figured that I did not, that I would most likely simply accept this remark, and would not even bother to check online once I got home. The point had been forcefully if laconically made, not just for me but for the onlookers. It did not brook dissent. It must be true. I said nothing more on the matter, but took in their presentation of the history of the Arab-Israeli wars, which was so full of mendacity, each lie more outrageous than the next, that it would have taken many hours to correct. I wasn’t about either to spend the time, or to blow my cover. I was, after all, on a reconnaissance mission.

But coming back to the U.N. Partition Plan of 1947, I knew of course that the Zionists had – reluctantly – accepted Resolution 181, the U.N. Partition Plan, even though it

represented a great diminution in the land area that had originally been intended for the Jewish National Home under the League of Nation's Mandate for Palestine. What else could they do? The Zionists in 1947 were desperate – with hundreds of thousands of Jews still in D.P. camps in Europe, most of them survivors of the death camps, needing refuge – to finally declare the Jewish state. Though keenly aware of how unfair the Partition Plan was, they were at this point willing to take what they could get. It was the Arabs who, at the U.N., unanimously rejected the Partition Plan, believing that they would soon be in a position to militarily crush the Jews, and had no need to agree to giving them anything, no matter how small.

Musing on all this as I walked back from the Rally for Palestine, I realized that the best way to make others, and especially Americans, understand the Partition Plan's significance is to discuss it in the terms that every first-year law student learns in Contracts, which is about Offer and Acceptance. If A makes an offer to B, B can accept, in which case there is a contract, or reject A's terms, in which case there is no contract, or B can make a counter-offer, by changing the terms of the original offer, which A is now free to accept, or to reject, or to again make a counter-offer. The Jews, in accepting the plan, in effect had made an offer to the Arabs: We will take the land offered under Resolution 181, if you, the Arabs, agree to the same terms. If the Arabs had at that point accepted that offer – the Partition Plan – there would have been a deal, the Jews (not yet Israelis) bound by the Arab acceptance of their offer. But the Arabs unanimously rejected the Partition Plan. In doing so, and in not modifying the Plan and making a counter-offer, they destroyed the original offer of the Jews.

But after the 1948 war, by force of arms the Israelis ended up with a considerably larger land area than what they would have been assigned under the Partition Plan. The Arabs have tried

on many occasions since to revive, and claim to accept, that Partition Plan. Some behave as if they had a perfect right to do so, never referring to their previous unanimous rejection of Resolution 181. But they themselves had destroyed, by rejecting, the Offer which, had they only accepted it, would have certainly assured them of a tiny Israel, consisting of discontinuous bits of land impossible to effectively defend, that would have given the Arabs the ability to eventually launch devastating and possibly even annihilating attacks, on the Jewish state. In 2012, Mahmoud Abbas himself declared that the Arabs' greatest error was not accepting the Partition Plan of 1947.

The next time you prepare to visit a pro-Palestine rally, where there will undoubtedly be maps showing Palestine divided into Jewish and Arab areas according to U.N. Resolution 181, and no mention of how the Arabs alone destroyed its coming into effect, just remember – even if you are among the handful of Americans who haven't gone to law school – Offer and Acceptance. Don't leave home without them.

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