EXECUTIVE SUMMARY: The Trump administration’s decision to repudiate an earlier approach that regarded Israeli communities across the “Green Line” as illegal has been praised and condemned. While there may be merit to seeing the move as an effort to help PM Benjamin Netanyahu or at least break Israel’s electoral logjam, there are deeper motives at play. Trump and his administration have made a hallmark of defying dysfunctional conventional wisdom and foreign policy inertia that elevate process over results. But while the predicted calamities of this policy have not materialized, the administration’s lack of any Grand Strategy makes the benefits difficult to aggregate.

The Trump administration’s repudiation of established Obama-era policies that considered Israeli communities across the 1949 Armistice Line (the “Green Line”) “inconsistent with international law” has brought cheers from some quarters and protests from others. But why this decision and why now?

Commentators have offered predictable interpretations based on their political outlooks. For many, the decision is only explicable in terms of Trump’s efforts to shore up PM Benjamin Netanyahu’s waning political fortunes. Given the transactional nature of Trump’s foreign policy and his overt frustration with Israel’s current election imbroglio, a political decision on the Jewish West Bank communities (or “settlements” as they are commonly known) as a means of breaking this logjam cannot be dismissed out of hand. But this must be tempered by Secretary Pompeo’s statement that the administration was willing to defer to Israeli courts’ analysis and supervision of settlements.

There are nevertheless more fundamental instincts at work, namely the administration’s demonstrated propensity, indeed, outright eagerness, to cut
Gordion knots. Defiance of foreign policy “conventions” and “norms” that elevate process and inertia over innovation are the hallmarks of Trump’s approach. The Jerusalem embassy move, the trade war with China, support for Brexit, the border wall with Mexico, withdrawal from the Paris climate treaty, and the defunding of UNRWA are only some of the most prominent decisions that have raised the ire of “experts.” In all cases, calamity has been predicted but has failed to materialize.

The long-term wisdom of these and other decisions may of course be questioned, along with the timing of their announcement. But the fact remains that the world has not ended. A case in point is that despite countless accusations of Trump’s “Islamophobia,” the proverbial “Arab street” has not risen up - except against Iranian domination. Indeed, it is arguable that these and other decisions have been liberating in many ways.

It is an important historical question why foreign policy elites have elevated process over results. In part, this is the legacy of World War II, after which institutions (such as NATO and the EEC) and policies were supposed to manage international relations, filigreed by think tanks and non-governmental organizations, only to become unimaginative, self-serving, inertia bound, and fetishized. Innovation was not part of the equation.

Part of the answer is also the nature of elites themselves - a blob trapped in an echo chamber of its own making (paraphrasing on Obama’s aides). But reality often punctures bubbles regardless, and there has been an advantage, both in terms of revealing the incestuous and manipulative nature of the foreign policy process itself and advancing towards new results, for the US president to be wielding the pin.

The fact that Trump is impetuous and callous, alternately impervious to and thin skinned regarding criticism, is a perverse advantage. Taking careful notes of who is attacking him in what terms, he calibrates his responses accordingly. The vehement attacks from traditional foreign policy elites and Palestinian advocates will likely confirm to him that he was right. So it is with condemnations from the EU, Russia and Turkey. When fools and knaves rage, it suggests the target was apt.

More thoughtful and measured criticism regarding this and other decisions may have the capacity to influence Trump and the administration. Unfortunately, thoughtful criticism in both tone and content is in short supply, both at home and abroad. Quite the contrary, unthinking, reactive and visceral opposition to every Trump policy or statement regardless of merits has been the hallmark of domestic and international “resistance.” In no small part, this
is motivated precisely by the alleged transgression against “process” and “norms,” meaning inertia bound conventional wisdom and experts.

But the act of arguing in favor of dysfunction and inertia, in this latest case a half-century of stasis over what was debated behind the scenes during the UN Resolution 242 discussions - “territories” or “the territories” - is revealing. So it was with the Jerusalem embassy move, which had been simultaneously demanded by Congress and promised by presidents who then followed the advice of ‘experts” and delayed, “in the national interest.”

One obvious area that has been exposed as a fraud is the miasma called international law. For decades, this has largely meant a body of political statements made by lawyers rather than the reasoned juridical products of institutions created by treaties or other conventions. At once ignored except where public relations benefits can accrue and used as a weapon against Western states, and applied with ludicrous vehemence against Israel, international law has long ceased to provide any sort of global framework for individual rights, much less restraints on state power.

The new US decision on the disputed territories has the narrow advantage of implicitly acknowledging that historical circumstances, such as the Six Day War’s defensive nature and the unique geography of the southern Levant, must be taken into account in a negotiated settlement between Israel and the Palestinians. The disadvantage is that “occupying states” such as Turkey, which paid no attention to international law and less of a price for its territorial conquests, will see the decision as validation of its own actions. Considering unintended consequences is not a Trump forte.

The president’s transgressive policies are individual and add up systemically but lack a holistic vision of a new international system. What comes next, and on what principles is a new system to be predicated? Why is there emphasis on some issues and not others? In this regard, Washington’s continued indulgence of bad actors such as Turkey remains unexplained. Is it an attempt to create a bulwark against Iran and/or to defend NATO and Europe? Or does it reflect a genuine belief that the Neo-Ottoman regime can be brought back into the Western fold? Beyond this are even larger problems. Is there a concept of containment for China, or in the shorter term for advancing freedom in Hong Kong and Iran, as means for creating a stable, quasi-multipolar world? Without a Grand Strategy, the risk of incoherence and new inertia is very real. Sadly, strategy and articulation are not Trump’s style.

Nevertheless, the “settlement” decision is one where a transparently ineffectual process has been torn down. Whether it will be replaced by the foundations for
a new era of Israeli-Palestinian negotiations in the context of revitalized emphasis on law, or become yet another shift in an ever more deeply rooted series of transactional deals, remains to be seen. Israel would be wise to argue for the former even as it pockets gains from the latter.

Alex Joffe is a senior non-resident fellow at the BESA Center and a Shillman-Ingerman fellow of the Middle East Forum.