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Pouring cold water on Wikileaks



Daniel Pipes

Of all the Wikileaks revelations, the most captivating may be learning that several Arab leaders have urged the US government to attack Iranian nuclear facilities. Most notoriously, King Abdullah of Saudi Arabia called on Washington to “cut off the head of the snake.” According to nearly universal consensus, these statements unmask the real policies of Saudi and other politicians.

But is that necessarily so? There are two reasons for doubts.

First, as Lee Smith astutely notes, the Arabs could merely be telling Americans what they think the latter want to hear: “We know what the Arabs tell diplomats and journalists about Iran,” he writes, “but we don’t know what they really think about their Persian neighbour.” Their appeals could be part of a process of diplomacy, which involves mirroring one’s allies’ fears and desires as one’s own. Thus, when Saudis claim Iranians are their mortal enemies, Americans tend uncritically to accept this commonality of interests; Smith maintains, however, that “the words the Saudis utter to American diplomats are not intended to provide us with a transparent window into royal thinking, but to manipulate us into serving the interests of the House of Saud.” How do we know they are telling the truth just because we like what they are saying?



GAMAL ABDEL NASSER

Gamal Abdel Nasser, Egyptian strongman, excelled at deception. Second, how do we judge the discrepancy between what Arab leaders tell Western interlocutors sotto voce and what they roar to their masses? Looking at patterns from the 1930s onwards, I noted in a 1993 survey that whispers matter less than shouts: “Public pronouncements count more than private communications. Neither provides an infallible guide, for politicians lie in both public and private, but the former predict actions better than the latter.”

The Arab-Israeli conflict, for example, would have ended long ago if one believes confidences told to Westerners. Take the example of Gamal Abdel Nasser, Egypt’s strongman from 1952 to 1970 and arguably the politician who most made Israel into the abiding obsession of Middle Eastern politics.

According to Miles Copeland, a CIA operative who liaised with Abdel Nasser, the latter considered the Palestine issue “unimportant.” In public, however, Abdel Nasser relentlessly forwarded an anti-Zionist agenda, riding it to become the most powerful

Arab leader of his era. His confidences to Copeland, in other words, proved completely misleading.

The same pattern applied to specifics. He spoke in private to Western diplomats about a readiness to negotiate with Israel; but addressing the world, he rejected the very existence of the Jewish state as well as any compromise with it. After the 1967 war, for example, Abdel Nasser secretly signalled to Americans a willingness to sign a non-belligerency accord with Israel “with all its consequences” while publicly rejecting negotiations and insisting: “That which was taken by force will be regained by force.” The public statement, as usual, defined his actual policies.

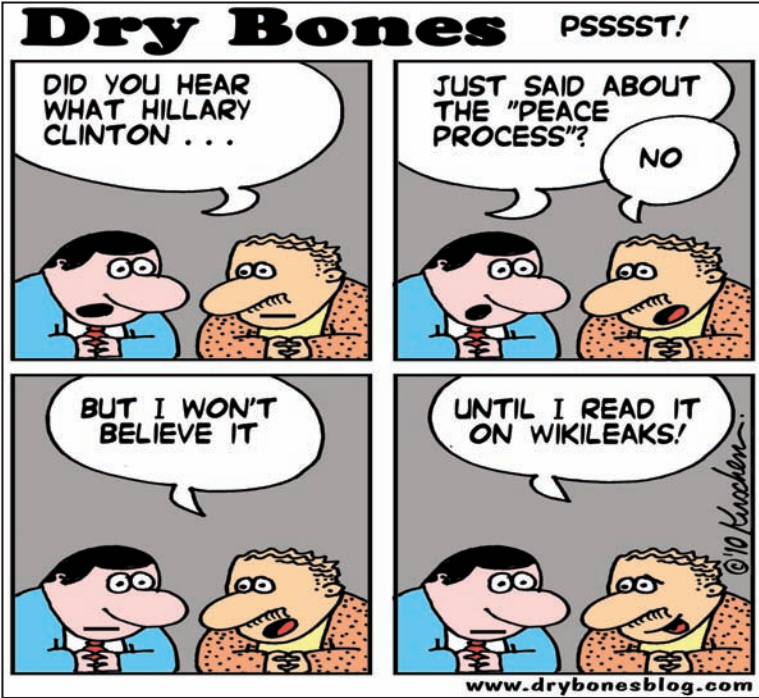
Not only did Abdel Nasser’s shouts offer a far more accurate guide to his actions than his whispers, but he tacitly admitted as much, telling John F. Kennedy that “some Arab politicians were making harsh statements concerning Palestine publicly and then contacting the American government to alleviate their harshness by saying that their statements were meant for local Arab consumption.” Thus did Abdel Nasser precisely describe his own behaviour.

As did Yasser Arafat, the Palestinian leader. Contrarily, when speaking privately not to Westerners but to their own, Arab leaders do sometimes reveal the truth. Memorably, Arafat publicly signed the 1993 Oslo Accords recognizing Israel but he expressed his real intentions in private when he appealed to Muslims in a South African mosque “to come and to fight and to start the jihad to liberate Jerusalem.”

It’s intuitive to privilege the confidential over the overt and the private over the public. However, Middle East politics repeatedly shows that one does better reading press releases and listening to speeches than relying on diplomatic cables. Confidential views may be more heartfelt but, as Dalia Dassa Kaye of the Rand Corporation notes, “what Arab leaders say to US officials and what they might do may not always track.” The masses hear policies; high-ranking Westerners hear seduction.

This rule of thumb explains why distant observers often see what nearby diplomats and journalists miss. It also raises doubts about the utility of the Wikileaks data dump. In the end, it may distract us more than clarify what we know about Arab policies.

Daniel Pipes (www.DanielPipes.org) is director of the Middle East Forum and Taube distinguished visiting fellow at the Hoover Institution of Stanford University. © 2010 by Daniel Pipes. All rights reserved.



Who keeps engagement ring?



Charles Wagner

Marsha met Marc only 3 months ago. When she agreed to marry him she thought he was a wealthy entrepreneur. Instead, she found out that Marc only owned a small store and was barely making ends meet. When Marsha discovered her mistake she immediately started to date other men. After Marsha agreed to marry him, Marc gave her a \$20,000 diamond engagement ring. Soon after Marc caught Marsha on a date with another man. He demanded that she give back the engagement ring. She refused. In her mind the engagement ring was a gift. Marc sued. Who do you think should get the ring? Let’s see what the courts say.

In reviewing the case law, it seems that the most important factor for the courts was who broke off the engagement. Applying this reasoning to our story, if the courts believed that Marsha’s dating other men constituted a breaking off of the engagement, they would order her to give back the ring.

In some cases the courts did not consider infidelity by the woman to constitute a breaking off of an engagement. If that reasoning were applied here and the court felt it was Marc who ended the engagement, then the court would allow Marsha to keep the ring.

Academics criticized these decisions because, in their view, an engagement ring was a gift conditional on a marriage that did not take place and should be returned regardless of fault. That reading of the law is more consistent with section 33 of the

Marriage Act, which provides: “Where one person makes a gift to another in contemplation of or conditional upon their marriage to each other and the marriage fails to take place or is abandoned, the question of whether or not the failure or abandonment was caused by or was the fault of the donor shall not be considered in determining the right of the donor to recover the gift.”

Whatever the husband’s rights may be to get the ring back, the courts have also denied him the return of the engagement ring if he fails to ask for it because the delay seems to mean the ring changed from a gift conditional on marriage to an absolute gift.

In *Okahai v. Sharify* a judge ruled that the woman had to return the engagement ring. This case and others like it were decided on the assumption that engagement rings were given in contemplation of marriage. Under these circumstances, there is an implied condition attached to the ring that the woman would marry him. The ring has the character of a pledge or something to bring the bargain or contract to marry and was given on the understanding, or the implied term, that a party who breaks the contract must return it. Since the woman broke off the marriage she had to return the ring.

This short review of the case law should not be taken as legal advice. Based on my experience in dealing with these cases, they often turn on the specific facts. If you have a legal question relating to something similar, you are best advised to seek out competent legal counsel to determine your best course of action.

Charles B. Wagner is the managing partner at Charles B. Wagner and Associates. This Toronto office is a boutique litigation law firm whose practice is focussed on estate, commercial and tax litigation.

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Editor: Norm Gardner
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National Advertising & Sales Manager: Arie Dimant
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