The Zionist Case for Israel

An examination of the Zionist argument for a Jewish state presented before international and mandatory tribunals.

by

John Chapple

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PREFACE

The Palestine Problem has for several years been a painful issue for me because I have deep ties both with many Jews and with many Arabs. Viewed from the Arab world, as I have viewed it, the Arab attitude toward the Palestine problem is easy to understand and I wished to know the Zionist case. The following pages are an attempt to outline the Zionist argument for a Jewish state; to trace its development from the conception of the idea until its realization. I have attempted an analytical, not a critical summary, and have been concerned only with the content of the argument, its premises within the Zionist's terms of reference, and its shifts of emphasis.

After a background examination of the four "classic" Zionist writers - Moses Hess, Lev Semonovish Pinsker, Theodor Herzl, Asher Ginsberg (Ahad Ha'Am) - the study is restricted to official Zionist testimony before British and international tribunals. I have, somewhat arbitrarily, restricted the application of the term "official" to the Zionist Organization until 1929 when the Jewish Agency was
formed and, after 1929 to the Jewish Agency. I have not investigated the arguments of the Zionist splinter groups, such as the extremist Zionist Revisionists.

The sources used were the written testimonies presented to the tribunals, the oral testimonies given before the tribunals, the written responses by the Zionist Agency to the tribunal's reports, and the reports of the tribunals themselves. With the exception of the last, the major sources were published by the Jewish Agency.

By tribunal is meant royal commissions of inquiry, bilateral and multilateral commissions of inquiry, international conferences with general powers of decision, and international bodies with supervisory powers. Of the royal commissions of inquiry, with one exception, only those with general terms of reference are considered. They are the Commission on Alien Immigration; the Commission on the Palestine Disturbances of August, 1929; the Palestine Royal Commission. The one exception is the Commission on Immigration, Land Settlement, and Development, whose investigation, although restricted, is so basic to the issue and the Zionist arguments upon it so thorough that I feel it can not be excluded. The bilateral and multilateral commissions of inquiry are the Anglo-American Commission of Inquiry and the United Nations Special Committee on
Palestine. The international conferences with general powers of decision over Palestine are the Paris Peace Conference at Versailles, the San Francisco Conference on International Organization, and the United Nations General Assembly. The only international body with general powers of supervision over Palestine is the Permanent Mandates Commission of the League of Nations.
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Pre-Mandatory

Chapter I

The Zionist case for the establishment of a Jewish state in Palestine was supported by two basically different arguments which may be described as the "moral" and the "legal" arguments for the Jewish state. The moral argument consisted of two fundamental points: the condition of the Jews in the Diaspora and the Jewish historical connection with Palestine. The Jews were persecuted throughout the world and, on humanitarian grounds, it was morally right that they be given a place of refuge. Historically, the Jews had been driven from their homeland and it was morally right that they be returned to it. The humanitarian side of the moral argument was stressed by the Zionists until they determined that their state had to be in Palestine. Thereafter, until 1917 when the Balfour Declaration gave them their first legal foothold, they stressed the argument of historical connection.

The legal argument rested upon the Balfour Declaration promise to help the Jews establish their national home. This British document had been internationally recognised by the Allied Powers and was later officially
adopted by the League of Nations in the Mandate for Palestine. From the end of World War I until after World War II the Zionists stressed that the world was legally obligated to fulfill the terms of the Mandate by helping them achieve their goal. This dependence upon the Mandate forced the Zionists to maintain that all the terms of the Mandate, including the reservations in favor of the non-Jewish population, were met by the establishment of the Jewish national home. This, in turn, necessitated refutation of the growing Arab and Palestine Government objections to the national home policy. The refutation, which became quite elaborate, dominated the Zionist argument from the time the Mandate was established until after the Second World War, when the moral argument was again stressed. It is dramatically fitting that the moral argument returned to prominence just before the Zionist goal was realized for it was the argument in which was couched the birth of the Zionist movement.

In the latter half of the 19th century the condition of the Jews in Eastern Europe was indeed pitiful and many Jewish thinkers turned their attention to the cause and the cure for Jewish persecution. In this chapter the theories advanced by the four "classic" Zionist writers - Hess, Pinsker, Herzl, Ahad Ha'Am - will be considered. Each had his own individuallyistic viewpoints and elaborations but each, basically, advocated establishing a Jewish state for moral reasons.
In 1862 Moses Hess, a German Jewish philosopher living in France, published *Rome And Jerusalem*, a rambling treatise which presented the author's system of the universe and stressed the Jewish position in and responsibility towards it. For Hess the universe was one living entity divided into three life spheres; the cosmic, the organic, and the social, each of which arose in time and was therefore dependent upon the timeless being, God, for its ultimate conception. The particular nature of each life sphere was the direct result of the one which preceded it.

Each life sphere must, after its creation, proceed through a period of development before it reaches maturity. For the cosmic sphere, birth was "the age of comets and nebulae," development" the time of the birth of the planetary bodies, "and maturity the time" of the developed planetary systems.¹ Once the cosmic life-sphere was mature the organic life-sphere could be born. The first period was the period of the earliest, now disappeared, forms of life; the second was the period of the birth of the present forms of life; and the third was the period of the perfection of these forms. The social life-sphere has passed through only the first two stages.

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¹. *Rome and Jerusalem* pp. 138-139
Birth was the period of ancient Judaism and Paganism, and the period of development was the "time of mediaeval Judaism, Christianity and Islam," the time "of the birth of modern Society." The period of maturity began with Spinoza but has not yet been completed. The failure of the social life-sphere to reach maturity is the one thing holding the universe back from harmonious cooperation.

In the social life-sphere the first human beings were divided into distinct racial and tribal groupings with individual customs, mental qualities, and languages. The basic division was between the Indo-Germanic and the Semitic races which reached their highest points in Greece and in Judaea. The Hellenes thought the world a multiplicity eternally being and the Hebrews thought the world a unity eternally becoming. After both points of view polarized, reconciliation between them became an important task, and the first attempt to do so was Christianity, followed by Islam. The next attempt, inaugurated by Spinoza, a descendant of Spanish Jews, resulted from the meeting of Arabic, Jewish, and European cultures in Spain.

Inherent in the development of human history is antagonism between the races. Each race has a specific task to perform for humanity and as this division of labor perfects the function the several races perform

2. Ibid p. 139.
it also generates one sided points of view. This is to the good, for only out of conflict can higher forms of life spring. From the friction between the different world views is born the spirit which produces improvements. When Rome spread Eastward and ended the Hellenic and Jewish cultural life there arose a new world view and later, when Rome moved West and ended the Arabic and Jewish cultural life in Spain there arose, introduced by Spinoza, the modern world view. The idea of the unity of mankind, Hess's particular case in point, is not an original, inherent idea

but a product of the social historical development process. It has the variety of the primitive racial tribes as its antecedent, their struggle as its conditions, and their final harmonious cooperation as its aim.

The unity of mankind presupposes a divine plan that humanity will unite and cooperate as have the various sub-divisions of the cosmic and organic life-spheres. Hess does not make clear exactly what he means by the unity of mankind, which he asserts is the maturation of the social life-sphere. He says only that human society will be perfected and there will be

3. Ibid p. 186.
a harmonious social organization in which production and consumption will be in a state of equilibrium. 5

Individual and social life will be sanctified. It will be the "Messianic time" of "perfected development and holiness." 6

Before this stage can be reached there is one last conflict through which society must pass; the conflict between labor and speculation. Hess here uses "labor" both in its economic sense and to denote experimentation. "Speculation" he uses as well in the economic sense but also to mean theorizing. They will be reconciled primarily by the efforts of the Jewish people who have from antiquity seen the unity of mankind and the unity of all three life-spheres as the divine plan.

The first attempt to reconcile the Hellenic and Hebraic world views was kindled by Jewish spiritual achievements and the second attempt was begun by Spinoza. It is the special calling of the Jewish people to raise the development of mankind and now, when society is on the verge of attaining the highest level, this job has the greatest importance.

At this point Hess introduced the argument of historical connection. He held that the Jews could not fulfill

5. Ibid. p. 220.

their special calling while spread throughout Europe. The patriarchal life of the Jewish ancestors is the creative source of the religion which will raise mankind to unity and this patriarchal life can only be re-established on the soil of the ancient prophets. Jewish national life is the essence of Judaism and restoration of the nation in Palestine is the necessary first step.

The Jews can re-create a Jewish state because, despite the attempts by many Jews to assimilate, the Jewish race— as are all races—is a primary division. A man born a Jew is a Jew all his life, no matter to what he changes his religion or his name; the Jewish racial stock is indestructible. The Jews have retained their identity although they have been scattered throughout all the nations of the world. They will always be strangers in nations not their own and they have always been drawn to Jerusalem so they have no choice but to work for a national re-birth, for a Jewish state.

Hess did not intend that the state should hold all Jews. After the Babylonian exile only a minority of Jews returned to Palestine, and this would be the case again. Those Jews who had made for themselves a comfortable position in Europe would not readily abandon what they had earned and it should not be expected of them that
they do so. The nobler among them will, however, take deep interest in the reclamation of their ancient fatherland and the re-establishment of a geographically located spiritual center for the Jewish people.

In 1882, just after terrible Russian pogroms, Dr. Leo Pinsker, a Russian Jew, published Auto-Emancipation, which, as had Rome And Jerusalem, urged the Jews to form a state. Pinsker did not derive this conclusion from an involved philosophical system but simply from the fact that his people were suffering and needed both solace and direction. The Jews, he wrote, were a distinct element which could never be assimilated into any nation of the world, and the problem they faced was how to adjust their relations with the nations of the world so as to remove the "basis for the Jewish question."

In Pinsker's view the Jews were hated for national, political, and economic reasons. The national reason is that the Jews long ago ceased to have a physical national existence and continued to exist as a nation only spiritually. They were a dead nation walking among the living. One of the basic characteristics of mankind

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7. Auto-Emancipation p. 16.

8. Pinsker's viewpoint has been discussed by Achad Ha'am in an article Pinsker and Political Zionism, appended to Auto-Emancipation. From this article the outline of the following paragraphs has been drawn. See Auto-Emancipation pp. 47 and following.
is the fear of spirits and men grew afraid of this Jewish ghost. From this quite natural fear developed the usual companion of fear, hatred. It was fruitless for Jews to contend against the anti-semitism which resulted for it was an "inherent predisposition" of humanity. "Against superstition even the gods fight vainly."

The political reason is that Jews everywhere were considered strangers. Not having a nation of their own they could not receive hospitality. Hospitality is granted between equals but the Jews could not return hospitality and so could only receive charity. Even if they were given the greatest charity, equal rights, it was a gift of a superior to an inferior and, for all its legal value, never could have social worth.

The economic reason also hinges upon the Jews not being a nation. All countries make special laws to protect the economic interests of their people against foreigners and the Jew is, always, a foreigner. He is in fact even worse than a foreigner for a foreigner is equal and a Jew is not. Whenever a Jew succeeds his success is resented and whereever the Jews exist in large enough numbers to have an advantage over the non-Jewish population they are resented whether or not their economic success is great.

9. Ibid. p. 20.
In Western Russia Jews were herded together and lived a wretched existence but nonetheless were accused of exploitation. 10

These three reasons for anti-semitism can be eliminated by creating a Jewish state. If the Jews had a state they would no longer be ghosts walking among the living but would be as live as all other nations on earth. They would no longer be homeless beggars but men capable of returning hospitality and therefore worthy of receiving it. In the economic field they would be foreigners still, yes, but equal foreigners allowed to participate in the business concerns of any country. Those Jews in excess of the saturation point - the level of Jewish population in each country which, if exceeded, stimulates anti-semitism - will remove to the new country. Those who remain will not again feel the pain of persecution.

Pinsker's basic contention was that the Jews were not in fact a nation. They lacked the characteristics of a nation: common language, common customs, common land. Not only were they not a nation but they did not wish to become one. Jews for 2,000 years had struggled against overwhelming odds but only as individuals; never as a nation. They must re-establish within themselves the desire for an independent national existence. They must

10. Ibid. p. 23.
raise their national dignity by increasing their national consciousness. Once they have done this they may turn to re-creating the Jewish state.

Pinsker outlined the steps the Jews should take to create their state. The Jewish societies already in existence should convene a national congress but if they did not wish to do so they should at least choose some of their members to form a national directorate. The first job of this directorate was to choose the location of the intended state. Palestine was not necessarily to be the site, in fact the Jews should guard against being unreasonably drawn to Palestine for emotional reasons only. All that mattered was that the land be large and permanently Jewish property, and Pinsker thought these conditions might be met in either North America or Asiatic Turkey. Wherever the state was to be established, its creation should be agreed to by the major world powers.

Once the site was chosen and international sanction granted, the directorate would, with capitalists who would later found a land stock company, buy land for sale to immigrants. The funds necessary would be collected by a national subscription. Many Jews would jump at the opportunity to leave behind their painful life in Europe
and live in the colonial community. Slowly, in more than one generation, the state would become established and the Jewish people would have one refuge, one spiritual center which would provide a haven for their oppressed and make equal those who chose to remain scattered about the globe.

The actual political movement which finally succeeded in founding the Jewish state was begun by Theodor Herzl who, in 1896, published in Vienna The Jewish State. In this pamphlet and in his diaries he expounded his dream in considerable detail. He wrote that the Jews are persecuted "Wherever they live in perceptible numbers\textsuperscript{11}\textsuperscript{11}, and that the reason for this persecution is Jewish emancipation. Freed from the restrictions of the Middle Ages, the Jews moved into direct competition with their Christian neighbors who resented the intrusion but could no longer take legal action to prevent it. The principle of equal rights before the law had been established and could not be revoked. Frustrated, the Christians became embittered, and anti-semitism resulted. This anti-semitism increases daily because Jews lost their ability to assimilate during the Middle Ages and most Jews are not intelligent enough to find release in either revolutionary opposition or financial success. They are trapped with no outlet and

\textsuperscript{11} The Jewish State p. 22.
are forced into a vicious circle of oppression which generates hostility which in turn generates greater oppression.

Although Herzl mentions that the Jews lost the ability to assimilate during the Middle Ages he takes the trouble to discuss it as a modern possibility. Assimilation can, he wrote, be achieved only through inter-marriage and this can only occur among Jews wealthy enough to overcome prejudice. Only they have enough contact with Christians for marriages to result and if this is to happen on a large enough scale to be effective the Jews as a whole must be economically powerful. Such economic prosperity however would itself generate antagonism and anti-semitism would increase, not decrease.

The only solution is the establishment of a Jewish state. Herzl does not explain exactly how the Jewish state will end anti-semitism but through his pamphlet and his diaries runs the belief that almost all Jews will eventually come to live in the new state. If there are no, or very few Jews living in Christian countries he implies, how can there be anti-semitism? To be sure, he writes that those Jews who do not wish to move - the wealthy Jews, only a small percentage of the total Jewish population - need not do so but nonetheless he foresees a full scale
move. The Jews have been forced by persecution to be one people and the only way they can escape persecution is to act as one people and establish for themselves one state.

Herzl deals no more than the above with the question of why the Jews should establish a state. The bulk of his pamphlet is concerned with how the task should be undertaken and the bulk of his diaries is a running account of the steps he was taking. Although he repeatedly referred to professional politicians as inferior human beings The Jewish State presents a detailed, practical, political plan and the diaries reveal the author as a master politician. The unity forced upon Jews is their strength which should be directed by the formation of two agencies; a Society of Jews and a Jewish Company. The Society of Jews is to be the "gestor" - "the director of affairs not strictly his own"\(^{12}\) for the Jewish people. Not all the Jewish people are expected to approve of this arbitrary assumption of their affairs, but the need is great and somebody must take command. The Society must be given the right to speak in the name of the Jewish people and to negotiate with governments legal sanctions for the proposed state. The Society will be recognised

\(^{12}\) Ibid. p. 64.
"as a state-creating power" which recognition will in itself "practically create the State."\(^{13}\)

The Jewish Company will be a joint stock company based in London, responsible both for liquidating holdings in the diaspora of emigrants to the new state and for developing the state itself. It will sell land for development and administer some land itself. Workmen's dwellings of a uniform but fine appearance will be constructed by unskilled laborers who will receive as pay the ownership of the homes they build after three years of labor with good conduct. They will be paid cash for work in excess of seven hours a day but may not work more than ten hours in any one day. Herzl outlined many other details of how the company was to proceed but they need not be reproduced here. The basic point is that the Society of Jews was to prepare and the Jewish Company was to effect the state.

In *The Jewish State* Herzl did not specify where the state was to be, although it soon becomes clear in his diaries that his preference was Palestine. The choice was between Palestine and Argentina but the decision was up to the Society of Jews. All that mattered was that the land be "large enough to satisfy the rightful

\(^{13}\) Ibid. p. 29.
requirements of a nation" and that great numbers of Jews move it. The previous attempts at colonization had failed because they were on too small a scale and were established on the principle of gradual infiltration. This principle will not work for the simple reason that the native population will come to feel itself threatened and will force the government to stop Jewish immigration. The Society of Jews must first receive from the government currently in control of the land guarantees of the assured supremacy of the immigrants. With this assurance the incentive of hope for all Jews instead of for just a few colonist will pull first the poor and then the prosperous to the new land. On a large scale the project is sure to succeed.

The last of the four early preachers for a Jewish state is Ahad Ha'Am, who was bitterly opposed to Herzl's method. He felt that Herzl was concerned only with the material aspects of the state and not at all with the spiritual. Herzl's idea of a mass migration Ahad Ha'Am considered the cart before the horse. Before Jews should, or could, undertake practical steps they must, as Pinsker had urged, raise their national dignity and spiritual awareness. Herzl wanted to save the Jews by physically removing them as individuals to a state of their own; Ahad Ha'Am wanted to save the Jews by making of them a

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14. The Jewish State p. 28.
nation. If most of the Jews were removed according to Herzl's plan then those who remained outside the Jewish state would continue to feel the weight of anti-semitism, but if the Jews were made a nation first then, whether they lived in the Jewish state or not, they would be equal to all other people in the world. This is what Pinsker preached and Ahad Ha'Am vehemently supported the ideas in *Auto-Emancipation*.

Ahad Ha'Am was not merely a parrot of Pinsker. Unlike Pinsker (and like Hess) he argued that the historical connection of the Jews with Palestine determined that Palestine had to be the site of the Jewish state. In Palestine a state could be created which combined "the unadulterated Jewishness of the Ghetto with the breadth and freedom of modern life." This state, however, was not to be established before the Jewish character was improved. A center of Jewish settlement was to be established in Palestine where, on the soil of the Prophets, it could elevate the Jewish character back to the spiritual, Hebraic, level of the ancient Hebrews. This would raise national consciousness to a level which would make possible a migration of Jews in sufficient numbers to

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15. *Selected Essays of Ahad Ha'Am* p. 23.
establish a state. If the national spiritual level were not raised then there would not be enough compulsion to create the state and even if the state were established the Jews outside it would be in the same low condition of sufferers from anti-semitism. Little, if anything, would have been done to solve the Jewish question. What mattered to Ahad Ha'Am was the establishment of a spiritual center in Palestine which would make possible the later creation of a state. Such a state, that is one born from a higher spiritual level, need not include all Jews for its primary function was to make Jews equal to other people and not simply to collect them behind one protective fence.
Chapter II

The Royal Commission on Alien Immigration

In the last twenty years of the 19th century extensive persecutions were directed against a large portion of the Jewish people. The Russian pogroms were the most glaring example, but throughout most of Eastern Europe, where the majority of the Jews lived, the Jews were treated in a way which made their lives at best extremely difficult. Increasing numbers of Jews emigrated, and many of them went to England where they could enter without difficulty and live free from discriminatory legislation. They congregated in cities where they could more easily find work, but their willingness to work for low wages brought them into conflict with the British laborer. Friction between British born citizens and emigrants sparked disturbances and in the spring of 1902 the British government appointed a commission to investigate "the evils which are attributed to the unrestricted immigration of Aliens\(^\text{15}\)" and to advise what restrictive measures, if any, should be taken. Although the commission was concerned with all immigration and considered

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\(^{15}\) Report of the Royal Commission on Alien Immigration Vol. I p. VII
the problem"basically an"economic question", Jewish immigration was a primary consideration. Dr. Theodor Herzl, President of the Zionist Congress and a world recognized authority on Jewish affairs, appeared before the Commission on July 7, 1902.

The Commission, and therefore Herzl's testimony, was not directly concerned with Zionism, but because Herzl considered the immigration problem in England largely a result of Jewish persecution in Eastern Europe and proposed to end this persecution by establishing a Jewish state, his arguments for the state appear in his testimony. They are based solely on the moral considerations of the plight of the Jews in the Diaspora, and they are essentially the same as the arguments in The Jewish State and in Herzl's Diaries.

Anti-semitism exists wherever Jews live in "perceptible numbers." England, although not at the time an anti-semitic country, would almost certainly become one if Jewish immigration continued. No matter where they move to escape anti-semitism the Jews necessarily carry it with them. They may remove this "curse" only by assimilation through large scale inter-marriage or by the establishment of their own legally secure home.

Herzl discarded assimilation as a possible means for different reasons than he had in *The Jewish State*. In that pamphlet he had held that the economic power the Jews must have in order to inter-marry on a scale extensive enough to end anti-semitism would itself generate anti-semitism. Now, before the Commission, he held that the Jews themselves, although in some cases individually willing, were as a whole unwilling to inter-marry. However, if Jews were willing to marry gentiles and if gentiles were willing to marry Jews, there would be no need for inter-marriage. If gentiles were willing to marry Jews there necessarily would be no anti-semitism.

Having with this circular argument dismissed assimilation, Herzl turned his attention to his cure. Hess, Pinsker, and Ahad Ha'Am had told the Jews that they were a distinct people and needed to recognise themselves as such. Herzl implied to the English commissioners that the Jews had recognised their singularity and needed now for the rest of the world to do the same.

This recognition, however, Herzl did not emphasize before the Commission. What he did emphasise was that the Jewish people needed to find "a legally recognised home" - he did not mention the term "state" - which would be a haven from persecution. To this home oppressed
Jews would naturally emigrate for there they would not be aliens because they were Jews but citizens because they were Jews. To Hess and Ahad Ha'Am the Jewish state\textsuperscript{17} was important because it would strengthen Jewish spiritual life. By so doing it would enable the Jews to contribute to the spiritual life of mankind while at the same time making them equal to all other people on earth and therefore not subject to persecution. Herzl mentioned this aspect only in passing, when he said he believed that the Jews, given "their rightful position as a people," would develop "a distinct Jewish cult" which would contribute to "the progress of mankind.\textsuperscript{18}\) To Herzl the primary function of the state, the reason for its creation, was to provide a place of refuge.

The Jews needed a place of refuge because Jewish persecution in Eastern Europe, as appalling as it already was, was going to worsen. More and more Jews would be forced to leave the lands of their birth and wander about the earth without a place to rest. Whatever England chose to do about Jewish immigration at best could only be a palliative measure, for the problem could not be

\textsuperscript{17} The terms "state" and "home" are of course not equal, but Herzl clearly meant "state" although he did not use the word. People are not citizens of a home.

solved in the lands to which the Jewish immigrants came. It had to be solved in the lands from which they were expelled. Before they fled the lands of their birth the Jews should be told that they had a refuge. If the Jews were given one single "centre of sufficient attraction" all Jewish emigration would be diverted to it. This would have the dual advantage of ending both Jewish persecution and the problems the Royal Commission was called to consider.

This "centre of sufficient attraction" is a variation of Ahad Ha'Am's conception of a spiritual center to which all Jews could look. Herzl included no spiritual considerations in his advocacy of a center for the Jews. To him the center was simply a refuge to which the Jews would be attracted because there they could live free from persecution.

In his testimony Herzl gave no other reason than Jewish persecution for the establishment of the Jewish "home." He rested his case upon the moral argument of the great wrong done Jews by anti-semitism. Although his diaries show that he had long been thinking of Palestine he did not once, except when referring to the title of his pamphlet, mention the terms "Jewish state" or "Palestine" before the Commission, and he shied from specific reference to his political plan whenever the

19. Ibid. p. 218 Paragraph 6397. Vol. II.
the subject arose. Why he did so can only be speculated, but it seems plausible that these terms would have introduced political considerations far beyond both the scope of the Commission's interest and Herzl's immediate political objective. Apparently Hertzl desired from the Royal Commission only sympathy with the Jewish plight and agreement with his basic idea of a cure.
The Paris Peace Conference

The argument the Zionists presented to the Paris Peace Conference after World War I was considerably different from that advanced by Herzl. In the first years after the turn of the century the Zionists irrevocably focused their attention upon Palestine, and the original humanitarian argument of the condition of the Jews in the Diaspora gave way to the argument of historical connection. Although the Zionists had no doubt in their own minds that they wished to establish a state in Palestine they were restricted by the world political situation from bluntly saying so. Before World War I broke out they were negotiating with the Ottoman government to gain permission for large scale settlement in Palestine, and they could not at the same time speak of establishing an independent state in Ottoman territory. During and after the war the fierce competition between Britain and France for Middle Eastern territory prevented the Zionists from getting the Allied Powers to support the establishment of an independent Jewish state in the Middle East. The Zionists cleared this hurdle by following the cue given by Herzl before the Royal Commission on Alien Immigration. They substituted the word "home" for the word "state". The Biblical state of Israel was the "home"
from which the Jews had been expelled and Jewish immigration to Palestine was a "homecoming."

This change in terminology enabled the Zionists to argue for a policy which, had it been accurately described, would perhaps have been rejected by all parties concerned except the Zionists themselves. The new terminology was incorporated in the Balfour Declaration and was later adopted by the Mandate for Palestine. It set the tone for Zionist arguments until the Mandate was brought into question after the Second World War. For the Zionists the substitution was particularly useful for it emphasized the Jewish historic connection with Palestine which was the foundation of the Zionist claim to that land.

The idea of historic connection, of course, was not new. Hess had spoken of the historic Jewish association with Palestine and Ahad Ha'Am had warned his people not to be unduly attracted to Palestine by their ancient history. However, there were three new elements in the Zionist argument of historical connection before the Paris Peace Conference. Mr. Sokolow, who led the Zionist delegation\textsuperscript{21} to the Conference, said that Palestine was

"where the real home of the Jewish people had always been." That Palestine had been a "home" for the Jews, rather than a "kingdom" or a "country" or a "state" had not before been mentioned by the Zionists. New also was the idea that Palestine had "always been" the Jewish home. The greatest innovation, however, was that the historic association of the Jews with Palestine constituted a "right" of the Jews to that country. "The (Zionist) Delegates," Mr. Sokolow said, "have come to claim their historic rights to Palestine." Mr. Sokolow did not explain exactly what he meant by "rights" but he apparently believed that the Jewish historic connection with Palestine made that country the property of the Jews.

The Zionists did not restrict their moral argument to historical considerations. Dr. Weizmann included the argument of the condition of Jews in the Diaspora and he added some new ramifications. He said that the Jews were left after the war weaker than any other people and he associated their persecution with the Communist regime in Russia. Increased persecution made the Jews immigrate in even greater numbers at a time when the Western countries had not yet recovered from the war and could ill receive them. Because the war-torn West could not give the Jews

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refuge, Palestine should be given them as a place to rest. On humanitarian grounds, the Jews should be given a place of peace.

The idea of benefit to the world through the creation of a Jewish state also had not been abandoned. Mr. Sokolow continued the idea of Hess and Ahad Ha'Am when he said

the old Jewish traditions could again be introduced in the land of their ancestors, combined with the ideals of a New Europe, thus leading to a re-constitution of a people and the transformation of a country.23

but he seems to present this more in the interest of eloquence than as a genuine reason for action. Although it was not developed at this time, the idea that the country would be transformed is a new idea, the harbinger of the later Zionist contention that the Jewish National Home benefited all segments of the population.

Because the Zionists were concerned specifically with Palestine Dr. Weizmann introduced the new argument of the possibilities for settlement in that country. Strictly speaking, this should not be considered a "legal" argument because in 1919 the economic absorptive capacity of Palestine had not yet been established by the British Government as the factor which should control immigration. However, I will consider it a "legal" argument because the economic absorptive capacity of

23. Ibid. p. 162.
Palestine became, with the 1922 white paper a principle of British Policy, and the Zionists used this argument primarily to support their contention that increased Jewish immigration was in accord with the declared British statement of policy.

Dr. Weizmann had been president of the Enquiry Committee the Zionist Executive had sent to Palestine to investigate the practical possibilities for settlement there and he painted a bright picture of what the land could absorb. His optimism was founded on the sparse population of Palestine and the poor development of its agricultural land. He testified that Palestine had only 10 to 15 people per square kilometer and could hold "at least four to five million"24 more. This was not possible at the moment, for the land was poorly developed, but it was rich in potential and with proper agricultural care he had no doubt that it could support a much greater population. The additional population, of course, as the Balfour Declaration had stipulated, would not encroach "on the legitimate interests of the people already there"25.

Although the above arguments were all pointed out to the Conference, the argument the Zionists stressed

24. Ibid. p. 165.

25. Ibid. p. 165.
was that the Balfour Declaration was an internationally recognised legal document which the world was obliged to honor. The Zionists wanted the Balfour Declaration to be endorsed by the Conference and they concentrated their attention upon the "legal" aspects of the Balfour Declaration. Mr. Sokolow held that the Balfour Declaration was a political promise the Allies had given the Jews. It was a simple contract. Because of that promise the Jews had worked hard to assist the Allies in the war and it was now time for the Allies to keep their word by "giving" the Zionists Palestine.

In some ways the Zionists wished the Balfour Declaration to be superceded. The pertinent paragraph of the Balfour Declaration itself reads as follows:

His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.27

26. The Balfour Declaration was published by the British Government on Nov. 2, 1917. Those countries which endorsed it before the Peace Conference were France, which did so on Feb. 14, 1918, and Italy, which did so on May 9, 1918.

The Statement of the Zionist Organization Regarding Palestine, which the Zionist mission presented to the Conference, closely paralleled but did not exactly follow it:

Palestine shall be placed under such political, administrative, and economic conditions as will secure the establishment there of the Jewish National Home and ultimately render possible the creation of an autonomous Commonwealth, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.28

The phrase "a national home for the Jewish people" in the Balfour Déclaration had become "the Jewish National Home" in the Zionist statement, and the phrase that the ultimate concern was the creation of an autonomous commonwealth had been inserted. The remainder of the paragraph is identical with the Balfour Declaration.

The Zionists were quite successful in influencing the Conference's policy towards Palestine. The Preamble to the Mandate for Palestine, after accepting responsibility for carrying out the Balfour Declaration, says recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country 29


and Article 2 of the Mandate included, without capitalizing the term "Jewish National Home", part of paragraph 5 of the Zionist Statement:

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home.  

Article 4 adopted the recommendation in the Statement that the Palestine administration accept the assistance of a Jewish representative body in matters affecting the establishment of the Jewish National Home. Article 6 adopted the phrase the Statement had used, "close settlement" on the land and Article 11 adopted the recommendation that the Jewish Agency might operate public concessions. The Zionists had won a major victory in getting their policy internationally sanctioned by the League of Nations.

30. Although the Mandate did not capitalize Jewish national home, the Zionists always did.


32. A general term, not yet the title for the agency in charge of Zionist affairs in Palestine. The Jewish Agency was founded in 1929.
Chapter III

Commission on the Palestine Disturbance of August, 1929

In late August, 1929, riots sparked by Arab-Jewish disputes over the Wailing Wall\(^33\) caused the death of 133 Jews and 87 Arabs. The British Government appointed a commission, headed by Sir Walter Shaw, to enquire into the immediate causes which led to the recent outbreak in Palestine and to make recommendations as to the steps necessary to avoid a recurrence.\(^34\)

The Shaw Commission reported thoroughly on the incidents themselves and then, in accordance with the second phrase of its terms of reference, went deeply into the underlying social unrest and recommended ways to allay it. The Commission decided that the riots were spontaneous attacks by Arabs against Jews, caused by "the Arab feeling of animosity and hostility towards the Jews\(^35\)."

This feeling was

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33. The oldest part of the Haram-esh-Sherif, revered by the Jews as part of the ancient Temple of Solomon although in fact it dates from a much later period. To Moslems the wall is part of the Burak Wall, so named because Mohammed's mount, Burak, is believed to have been tethered there when Mohammed made his celestial journey.


35. Ibid. p. 163.
based on the twofold fear of the Arabs that by Jewish immigration and land purchase they may be deprived of their livelihood and in time pass under the political domination of the Jews.36

The Commission advised the British Government that the Arab fear could be calmed if the government were to issue "a clear statement of policy" defining the meaning which His Majesty's Government attach to the passages in the Mandate providing for the safeguarding of the rights of the non-Jewish communities and explaining

the conduct of policy on such vital issues as land and immigration.37

Immigration, the Shaw Commission felt, should be regulated so as to avoid repetition "of the excessive immigration of 1925 and 1926. 38" The sale of large tracts of land to the Jews had resulted in the dispossession of large numbers of Arab tenant farmers who had no alternative land to which they could move. The Commission suggested that scientific studies be made to discover ways to improve the production of land and thereby raise the number of people who could live upon it. Until the results of these studies were known the Arab

36. Ibid. pp. 163-164.
37. Ibid. p. 165.
38. Immigration figures are: 1924-13, 892 1925-34, 386 1926-13, 855.
peasant cultivators should not be evicted from the land because of a change in the ownership of the land.

The Jewish Agency response is contained in a short memorandum which was first submitted to the Permanent Mandates Commission of the League of Nations and was later published. It was written by Leonard Stein, who had appeared before the Shaw Commission in Palestine and who was, at the time he wrote the memorandum, honorary legal advisor to the Jewish Agency. Although Stein mentioned that the Commission was not sufficiently appreciative of the historic connection of the Jews with Palestine, the argument upon which he depends is a legal argument.

Before turning to the specific conclusions of the Commission's report, the memorandum contended that the Shaw Commission had exceeded the terms of its reference. The job the Commission was assigned was the investigation of the August disturbances and it had no business looking into immigration and agriculture and certainly none in suggesting that Jewish immigration be restricted or that land sales be regulated. However, since the Commission chose to deal with these major questions of policy the Jewish Agency felt called upon to refute the Commission's conclusions.

The refutation, as the prefatory remarks indicated, rested upon legal considerations. The Mandate was an
internationally recognised legal document which obliged the Mandatory Power to encourage the National Home by aiding Jewish immigration and the close settlement of the Jews on the land. Anything not in accord with this was against the international agreement. The Shaw Commission report was not in accord with it and should be discarded.

Although the above legal argument was the main tenet of the Jewish Agency refutation of the Shaw Commission's report, the memorandum also came to grips with other issues which later developed into major aspects of the Zionist legal argument. That the riots were caused by Arab animosity and hostility towards the Jews the memorandum denies. It maintained, on the contrary, that until the riots Arab-Jewish relations had been improving and that the one troublesome issue, the Wailing Wall, was exploited by Arab leaders to fire Moslem religious fanaticism. Immigration and land, the Agency held, had nothing to do with the riots. Jewish immigration was improving the economic condition of the country in general and of the Arabs in particular. The question of Arab peasants being disposessed was irrelevant for the riots occurred in urban, not rural, areas, and those few peasants who had in fact been disposessed easily found other land to cultivate and inhabit.
Of these arguments the idea that Jewish immigration improved the economic condition of the country in general and of the Arabs in particular is especially important. It may be considered an offshoot from the moral argument that the entire world would benefit from the establishment of the Jewish state. The contention that the people who lived in Palestine, specifically, profitted by the establishment of the Jewish National Home first appeared in the Zionist testimony before the Paris Peace Conference. It was later elaborated and used to support the Zionist legal argument that the Jewish National Home benefitted all segments of the Palestinian population and therefore fulfilled the obligations of the Mandate towards the non-Jewish population.
Report on Immigration, Land Settlement and Development

Perhaps because of Zionist criticism that the Shaw Commission had exceeded its terms of reference, the British Government, the following spring, appointed Sir John Hope Simpson to investigate precisely those issues to which the Zionists had taken exception. Immigration, land settlement, and development are not in themselves arguments for the Jewish state but they are basic to the Zionist legal argument. The Balfour Declaration and the Mandate stipulated that the civil and religious rights of the non-Jewish communities must not be impaired and the Zionists repeatedly urged that they were not. Their contention rested upon conclusions contrary to those reached by Hope Simpson.

The question of how much land was available for settlement was, of course, a primary consideration when estimating how many people could live on the land. There was general agreement that the total area of Palestine was approximately 10,000 sq. miles, or 26,000,000 metric dunums, but there were great differences of opinion concerning how much of that area was "cultivable." Hope Simpson adopted the definition of the Commissioner of Lands that cultivable land was land which either was or could be cultivated "by the application of the labour and
financial resources of the average individual Palestinian cultivator. A survey of the country, although under way, had not been completed, and the figures to which this definition was applied were only estimates, based partly on the already completed part of the survey and partly on an aerial survey of a representative section of the hill country undertaken especially for the report. They are the estimates of the Director of Surveys.

Of the 26,000,000 metric dunums of land in Palestine, Hope Simpson considered 8,044,000 metric dunums cultivable. He subtracted the 1,500,000 metric dunums of the Beer-sheba area as being impossible for cultivation in the "immediate" future, reducing the number of dunums on which settlement could occur to 6,544,000. He then took the figure given to the Shaw Commission by Dr. Ruppin, director of the Colonisation Department of the Zionist Organization, as being the amount of cultivable land held by Jews and added the amount acquired since Dr. Ruppin's testimony to reach a figure of at least 1,3000,000 Turkish dunums. To allow for any difference in the definition of cultivable land used by the Jewish Agency


40. 1 Turkish dunum equals 919.3 sq. meters.

41. See below, pp. 42-43.
he deducted 20% and reached the figure of 1,040,000 Turkish dunums or 956,000 metric dunums of cultivable land under Jewish control. This left 5,644,000 metric dunums for non-Jewish cultivators.

The question of "lot viable" - that amount of land sufficient to support a farming family - Hope Simpson discussed in detail. An agricultural study was made in a representative section of the hill country and the conclusion reached that the absolute minimum "lot viable" of unirrigated land was 130 dunums. There were 61,408 Arab farming families to live on the 5,644,000 metric dunums mentioned above, making an average of 91.9 metric dunums per family. From this Hope Simpson concluded that the average land area on which the Arab peasant farmer lived was "insufficient to maintain anything like a decent standard of life. 42" There was, therefore

no margin of land available for agricultural settlement by new immigrants, with the exception of such undeveloped land as the various Jewish Agencies hold in reserve.43

Hope Simpson advised that the obligation of the Mandatory Power to ensure the close settlement of the

42. Report on Immigration, Land Settlement And Development p. 64.

43. Ibid. p. 141.
Jews on the land without prejudicing the rights of the Arabs could only be met by pursuing a vigorous policy of agricultural development which would allow "close settlement of the land and intensive cultivation by both Arabs and Jews." Without development there is not room for a single additional settler, if the standard of life of the fellahiin is to remain at the present level.

Hope Simpson also turned his attention to the question of Arab unemployment. One of the main reasons for Arab unemployment, he thought, was that increasing numbers of Arab farmers were becoming landless and had to turn to non-agricultural pursuits. Other reasons were the end of army conscription, motor transport, largely Jewish, which displaced the Arab camel and donkey driver, and cement manufacture, which displaced the Arab stonemason. Hope Simpson wrote that although the Arabs believed that imported Jewish labor was depriving them of their jobs it was more probably true that the unflux of Jewish capital had provided enough jobs for Arabs to roughly equal those which might have been lost to Jewish labor. Arab unemployment was due to changes in the economic situation rather than to the direct competition of Jewish labor. Nevertheless, Arab unemployment was serious and was growing more so. Both Arab and Jewish unemployed in Palestine should be considered before issuing immigration

44. Ibid. p. 142.
45. Ibid. p. 153.
visas. It was not right that Jewish laborers should immigrate to take jobs which could be taken by Arabs already in the country.

The Jewish Agency tried to refute most of Hope Simpson's contentions with legal arguments. The question of Arab unemployment it felt should have nothing to do with Jewish immigration. The Jews were certainly within their rights to hire only Jews with Jewish capital no matter how many Arabs were unemployed. The Jews were working for the establishment of the Jewish National Home. This depended upon Jewish immigration and Jewish immigration in turn depended upon the jobs available for Jews. The very reason Jewish capital came to Palestine was to establish jobs for Jews so of course Jewish capital would not hire Arab labor. Any restriction of the Jewish right not to hire Arabs would rule out the possibility of establishing the Jewish National Home and was therefore outside the terms of the Mandate.

On the question of cultivable land the disagreement was even more sharp. If Hope Simpson's definition of "cultivable land" were accepted by the British Government then Jewish immigrants might be barred from entering the country. The Jewish Agency proposed its own definition. "Cultivable land" was not land which the average Palestinian could cultivate, but that
which can be cultivated in an economic manner
and by a method which does not exceed the
adaptability of the population of Palestine.
The distinction between the two definitions
consists in the fact that we adopt as our
criterion not the present measure of pro-
ductivity of the fellah, but the measure of
productivity to which he can be brought by
credits and guidance on the part of the Govern-
ment and by the example of Jewish colonisation.46

This definition continued the idea, first mentioned
before the Paris Peace Conference, that the Jewish
National Home benefited the Arabs. Jewish land settle-
ment teaches the Arab farmer better farming methods
and thereby enables him to raise his standard of living.
The determining factor is not what the Arab peasant
could farm in 1930, but what he would be able to farm
in the unspecified future. This might be limited only
by the total area of Palestine.

The Arab farmer is not the only farmer considered.
"Cultivable land" is that which can be farmed by methods
to which the "population," that is, the general population,
both Arabs and Jews, can adopt sometime in the future.
The "credits" available to Jewish settlers were foreign,
and were considerably greater than any the Arab farmer
could raise. If what the Jews could afford to farm were
to determine how many dunums could be farmed, the estimate
would be much higher than what Hope Simpson recorded.

By this definition, cultivable land in the hilly areas, which Hope Simpson had estimated at 2,450,000 metric dunums, the Jewish Agency estimated at more than 5,000,000 metric dunums. The Agency argued that the land considered in the aerial survey was not truly representative of the hill country and Hope Simpson failed to distinguish between land actually under cultivation and that which could be cultivated. The total area of cultivable land in Palestine was not 8,044,000 metric dunums as Hope Simpson had recorded, but 12,500,000 metric dunums. 47 There was, therefore, considerable room for additional Jewish immigration.

When referring to the close settlement of the Jews on the land, Article 6 of the Mandate mentioned "State land and waste lands not required for public purposes." To the Jewish Agency this meant turning over to them of all such lands, but the government, and Hope Simpson concurred, that the amount of such land was negligible. Whether or not the government actually owned the land was a disputed point and it was occupied by Arab cultivators whom the government would not move because there was no alternative land to which to move them. The

Jewish Agency, however, continued to hold that state and waste land was in abundance and should be handed over to it in accordance with Article 6. Hope Simpson suggested that these demands might have been assuaged had the large Huleh concession originally granted by the Ottomans to an Arab concessionaire not been ratified by the Palestine government and had the large and fertile Beisan area not been handed over to the Arab tenants. The Jewish Agency replied that the Huleh concession should be cancelled because its terms had not been met by the concessionaire and the Beisan agreement should be cancelled because of "irregularities." The Huleh and Beisan arrangements were legally invalid and the land should be handed over to the Jewish Agency. Even if they were, however, the Jewish Agency said that it still would request that more state land be turned over to it.

The Jewish Agency strongly objected to the point, made both by the Commission on the Palestine Disturbances and Hope Simpson, that Arab cultivators were being displaced from their land because of Jewish land purchase and that there was growing in Palestine an Arab landless class. If it were generally accepted that there was such an Arab landless class it would discredit the Zionist argument that the Arabs were benefitting from
Jewish land settlement. The Vale of Esdraelon, the Jewish Agency wrote, was the only place where Arab farmers had been displaced because of Jewish land purchase. The Jewish Agency submitted a list of 688 ejected Arab farmers with their subsequent occupations. This list showed that of the 688 displaced farmers the great majority, 437, continued as farmers. Hope Simpson wrote that a more accurate estimate of the number of farmers displaced in the Vale of Esdraelon was 1,270 and this did not include dependent families. The Jewish Agency denied the possibility that there could have been more than 688 displaced Arab farmers.

On the question of landless farmers in general the Jewish Agency felt it inaccurate to describe as "landless" village artisans, farmers' sons who would inherit land upon the death of their father, agricultural laborers, and government laborers, all of whom may have lived in villages but not have owned any land. There were, unquestionably, large numbers of such people, as there were in any country, but it would be a misleading interpretation to consider that they constituted a landless class.

With the Hope Simpson report thus answered in this manner, the Jewish Agency was able to continue its legal
argument. It argued that the reservations in favour of the non-Jewish communities in Palestine were actually met by the establishment of the Jewish National Home. The non-Jewish communities in Palestine were not suffering and were in fact profiting from Jewish settlement. There was, then, no reason for the growth of the National Home to be retarded and it should receive the active support of the British Government.
Chapter IV

The Palestine Royal Commission

Jewish immigration increased from just under 5,000 in 1930 to over 61,000 in 1935. 48 In December, 1935, the Palestine Government proposed a plan to give Palestine a measure of self government. Although the Arabs had not welcomed the plan because it did not give them the full self government they had been asking, they did not absolutely reject it for it was a step towards their goal. The Jews, however, felt that any movement towards self government would mean Jewish subjugation to an Arab majority and therefore the end of any hope for the establishment of the National Home. They vehemently rejected the scheme and the House of Commons voted it down in the spring of 1936. The Palestinian Arabs concluded that Jewish influence in Britain had prevented even this, in their eyes, inadequate advance towards self government and their long standing opposition to the Mandate erupted into hostility towards the Mandatory Government. A general strike became a large scale revolt against British occupation which lasted actively for six months and intermittently for three years.

The reaction of the British Government was to appoint the Palestine Royal Commission — popularly known as the Peel Commission after its chairman, Earl Peel — to "ascertain the underlying causes" of the disturbances, see if either the Arbs or the Jews had any "legitimate grievances" and, if so, to recommend ways to remove them.49 The revolt kept the Peel Commission from Palestine until three months after it had been appointed and the Jewish Agency put to good use the delay. It compiled thorough presentations, the most important of which was 288 pages long, of the Zionist case and submitted them as memoranda to the Commission.

In these documents and in Dr. Weizmann's testimony before the Commission, the Zionist case continued to depend most heavily upon the legal argument. However, the historical argument was stressed more than it had been at any time since the Balfour Declaration, and it was considerably elaborated. The existence of a Jewish state in Palestine before Christ and continual Jewish association with Palestine the Zionists of 1936 did not consider a sufficient historical connection. The Jewish Agency now maintained that the Jews had abandoned their ancient kingdom only because of the most extreme military

49. Palestine Royal Commission Report p. VI
pressure and that Jewish continual association with Palestine was primarily religious. The Jewish Agency contended that religious practise and Rabbinical law contained many references to the Jewish Palestinian home. The Jew throughout the world would pray facing Mount Moriah and Jewish prayers urged the speedy rebuilding of the Temple. Jewish folklore also kept alive in Jewish minds the longing for Palestine. The longing was and always had been, the Jewish Agency maintained, an integral part of Jewish life. In this connection the Jewish Agency did not mention Ahad Ha'Am, who thought the Jews had too little interest in Palestine and needed to direct their attention toward it.

Not only had the Jews always longed for Palestine, they returned to it whenever they could. When the state was ended by the Assyrians and the Jews were taken to Babylonia they returned on masse as soon as they were able. They established their state again and protected it courageously against Rome. When Rome triumphed, the Jews still clung to their soil and those who were forced to leave tried constantly to return. Attempts were made throughout the time of the Diaspora to return to the land the Jews never forgot.
during the nineteen centuries which have passed since the destruction of Palestine as a Jewish political entity, there was not a single century in which the Jews did not attempt to come back. 50

The association was deeply and constantly felt, the Jewish Agency held, by all Jews, and the symbol of this attachment was the farming village of Pekein, whose Jewish inhabitants from the time of the Maccabees had never left their soil. 51

As important as the moral argument of historical connection was, the Jewish Agency relied more heavily upon the legal argument. This argument was, as before, that the Mandatory Power was legally obligated to establish the Jewish home and that this in no way compromised the obligations the Mandatory Power had toward the non-Jewish communities in Palestine. Although the argument was basically what it had been since the Balfour Declaration, it too, like the argument of historical connection, had been considerably elaborated.

From Sir John Jope Simpson's Report and the later White Paper of 1930 there had developed the idea that these two obligations were mutually contradictory. The

50. The Jewish People and Palestine p. 12.

51. Connection of the Jewish People with Palestine p. 21. See also Jewish Plan for Palestine p. 271

The Arabic name given for Pekein in Bugei'a.
Jewish Agency felt not, and for support it turned to the June, 1930 report of the Permanent Mandates Commission of the League of Nations. The Permanent Mandates Commission made a distinction between "the objects of the Mandate" and "the immediate obligations of the Mandatory." The objects of the Mandate were "the establishment of the Jewish National Home" and "the establishment of self governing institutions." The immediate obligations of the Mandatory Power were to place the country under conditions which would secure the establishment of the Jewish National Home and self governing institutions. These were the dual obligations of the Mandate, and the Jewish Agency did not consider them contradictory. The establishment of self governing institutions was not a promise given the Arabs in order to balance the promise to the Jews of a Jewish National Home. The self governing institutions were to be effected not immediately, but sometime in the future when a self governing Palestine would be compatible with the Jewish National Home.

The Jewish national home and a self governing Palestine would be compatible only when the Jews became a majority in the country, so what the Zionists really meant was that Palestine was to become a self governing Jewish commonwealth. However, the Zionists were still

52. Memorandum Submitted to the Palestine Royal Commission p. 20.
restricted by the term "national home" and could not speak so bluntly. They did not use the adjective "Jewish" and instead maintained that Palestine was to become an autonomous commonwealth. This they had proposed to the Paris Peace Conference, they argued, so it had to be in accord with the Jewish Agency aim of establishing a Jewish National Home.

Although there were, in the Zionist view, no contradictory obligations, the Jewish Agency was aware of the responsibility of the Mandatory Power towards the non-Jewish communities. The Balfour Declaration and the Mandate had pledged to protect the civil and religious rights of the "existing non-Jewish communities." The Jewish Agency took a new position on this issue. It maintained that the phrase did not refer to the Arabs and that the Arabs, in effect, had no rights at all.

The pledge to protect the civil and religious rights of "the existing non-Jewish communities" was not, the Jewish Agency argued, a pledge to the Arabs in general but a pledge to the several religious communities. It could not have been to the Arabs in general first because "communities" is a plural, not singular, noun, secondly because the Arabs as a group did not in fact possess any civil or religious rights, and thirdly because it was impossible that they should, as a group, possess religious
rights, since there was no religion which was common to the Arabs as a whole.\textsuperscript{53}

There were, moreover, non-Jewish religious communities which did have both religious and legal rights under Ottoman rule and it was to these communities, the Jewish Agency argued, that the Balfour Declaration referred.

Although the Jewish Agency maintained that it was certain that the above interpretation was correct, it allowed a different interpretation. For the sake of argument it supposed that the Balfour Declaration referred not to the several religious communities but rather to the Arabs in general. However, the Arabs as a whole certainly possessed no rights at all under the Ottomans and so such an interpretation was meaningless. On the other hand, if what the Declaration meant was that the civil and religious rights in 1917 of all the non-Jewish inhabitants of Palestine, as individuals, were to be maintained, then "no effective legislation would be possible."\textsuperscript{54} It would be impossible to pass any new laws without in some way altering the legal status as it had been in 1917 of some of the population of Palestine. Clearly the Balfour Declaration did not intend that no laws should be passed after 1917. "Non-Jewish communities"

\textsuperscript{53} Memorandum to the Palestine Royal Commission p.25.

\textsuperscript{54} Ibid. p. 26.
must, then, refer to religious communities and certainly the Jewish National Home would do no harm to the rights of religious communities.

The Mandate accepts an obligation to the Jewish people as a whole, not just to the Jewish colonists. It is recognised that the Jews are returning to a land which belongs to them and are reconstituting the home which was taken from them. The White Paper of 1922 had written that the Jews were in Palestine "as of right and not on sufferance" and it was, the Jewish Agency held, in accordance with this government statement of policy that England was obliged to support Jewish settlement and immigration.

Immigration, as declared in Article 6 of the Mandate, was to be facilitated. This the Jewish Agency took to mean not simply that Jews should be allowed into Palestine but that they should be given special facilities for immigration. Non-Jews should not be given the same preference. After all, the function of the Mandate was to establish a Jewish, not an Arab National Home. This does not imply that the Arabs were to become politically dominated or that the Arab language and culture should become second to Jewish language and culture. The Arabs were not to be subordinated, but neither were they to
be guaranteed numerical superiority. Equality before the law is what is intended, and equality before the law is an entirely different matter from numerical strength.

The guiding principle which would determine how many Jews would immigrate to Palestine had been set down in the White Paper of 1922:

This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. 55

Article 6 of the Mandate had stipulated that Jewish immigration would be facilitated provided that

the rights and position of other sections of the population are not prejudiced. 56

"Position" the Jewish Agency took to mean "financial position," which, it said, was in accord with the White Paper. Financial position and political position are two entirely different matters, and only the former should govern the number of Jewish immigrants admitted to Palestine. The maintenance of an Arab majority has nothing to do with the maintenance of the "position (financial) of other sections of the population."

With "economic capacity" established as the determining phrase, the Jewish Agency set out to show that

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55. Diplomacy in the Near and Middle East p. 105.
56. Ibid. p. 108.
the economic capacity of Palestine was practically unlimited. This, as was pointed out by Weizmann before the Paris Peace Conference, largely depended upon the land available. Immediately the Jewish Agency was again obliged to discredit the definition of cultivable land endorsed by Sir John Hope Simpson. The Agency contested Hope Simpson's definition for the same reasons it had in 1930 and added that if the financial resources of the average Palestinian farmer were to be the deciding factor, the average Palestinian farmer had no financial resources at all, was most probably in debt, and could farm only what little land he was already working. This meant that there would be no increase in the cultivable land at all and, in the light of the impressive development by Jewish settlers of land Arab farmers had considered uncultivable, the definition was surely misleading, if, in fact, it had any meaning at all.

Hope Simpson had reported that Jewish land purchases had reduced the amount of cultivable land available for Arab farmers and that there was very little cultivable land remaining for additional settlers. Before the Palestine Royal Commission the Jewish Agency continued to argue that the land the Jews had bought since World War I had reduced what Hope Simpson called cultivable land

57. See Above p. 29.
negligibly if at all. Most land the Jews bought was uncultivable according to Hope Simpson's definition and was cultivable in 1936 "only because the Jews have made it so." The Memorandum to the Palestine Royal Commission also introduced a new argument concerning cultivable land. Far from reducing the amount of cultivable land available for Arab farmers, the Jewish land purchases had increased it. 15,000 dunums of the Huleh lands were reserved for Arab farmers. The Jewish Agency did not, as it had in 1930, give a specific estimate of how much land was available for settlement. It simply maintained that the amount of land which could be cultivated was limited only by the industry and the ingenuity of the cultivators. The implication was that the amount of settlers the land could hold was almost unlimited.

Before the Palestine Royal Commission the Jewish Agency elaborated on the contention, first advanced in refutation of the Hope Simpson report, that Jewish settlement benefitted the Arabs. The Arab farmer had always been poor but the Palestinian farmer was better off than his fellows in neighboring Arab countries. Since the

58. Memorandum to Palestine Royal Commission p. 136

59. In 1934, the Huleh concession was purchased by the (Zionist) Palestine Land Development Co.
Jews had begun settling in Palestine the Arabs had begun to diversify their crops and use artificial fertilizers. The number of dunums planted with citrus had increased greatly and the Arabs had also found the growing of European vegetables profitable. The improved farming methods had encouraged the Arab farmer to rid himself of large land holdings he could not profitably work and to be content with smaller areas which, intensively farmed, provided him with a greater income. He was able to switch to the more profitable method of intensive farming by the capital he gained from selling his excess land, and he could sell his new produce to the Jewish settlers.

The Jewish Agency reduced to nothing the issue of displaced Arab farmers and the creation of an Arab landless class which Hope Simpson had raised with deep concern. For the first time the Jewish Agency pointed out that most of the Jewish land purchases were obtained from large land owners so there must necessarily have been few displaced cultivating tenants. That those who farmed the land were quite different from those who owned it was ignored. Of the 3,271 Arab farmers who claimed to the Palestine Government that they had been displaced by Jewish land purchases, only 664 were admitted as having legitimate claims. Of these 664, the Jewish
Agency help that 204 were not settled farmers but tribesmen. If the average number of five per family is applied to the 460 remaining on the improbable assumption that each was a head of a family, then 2,401 Arabs had been displaced by Jewish land purchases. This figure is "two fifths of one percent of the settled non-Jewish rural population as shown at the Census of 1931." This is a negligible percentage, surely, and constitutes no basis for the charge that there was developing an Arab landless class.

Although the Jewish Agency argued that there were few Arabs displaced by Jewish land purchases, it did not claim that there were no Arabs who had lost their land and wished to have it back, or that there were no Arabs who could "advantageously be settled on the land." There was nothing extraordinary in this. It was by no means necessary that every man own land. Agricultural laborers were to be expected and those who were not working on the land were gainfully employed in non-agricultural pursuits. At this point the Jewish Agency inserted the new argument, so emphasized after the Arab-Israeli war when the Israelis argued that the Arabs had left Palestine in accordance with the instructions of Arab leaders, that Arab discomfort was the result

60. Memorandum to the Palestine Royal Commission pp. 141-142.
61. Ibid. p. 166.
of Arab policy. If there were some Arab farmers who had been forced to give up their land, the Jewish Agency wrote, they had probably been forced not by Jewish settlers but by Arab money lenders, whose iniquity was well known.

The Jewish Agency was not content to maintain that the Arab farmer was the only one who benefited from Jewish immigration. It contended that all the Arabs benefited. The large amounts of capital the Jewish immigrants brought with them stimulated the economy and provided more jobs for Arab laborers. As evidence of this was cited the alleged increase of the Arab urban population near concentrations of Jewish settlement. Jewish customs payments had contributed a great deal to the income of the Palestine Government and, because the various Zionist agencies took care of the Jews, most of this money was applied by the government to Arab needs. Arabs were also treated by Jewish social service agencies. The final proof of Arab benefit by Jewish immigration was the yearly immigration of Arab laborers from Trans-Jordan and Syria and the lack of Arab emigration from Palestine. Jewish settlement had made the economy of Palestine a sharp contrast to the economies of the surrounding Arab countries and the Palestinian Arabs shared in the better life.
Although, as has been shown, the legal argument and the moral argument of historical connection were the arguments stressed by the Jewish Agency before the Palestine Royal Commission, the moral argument of the persecution of the Jews was also mentioned. Dr. Weizmann, in his testimony before the Commission, accords it more importance than does the Memorandum, but he still keeps it from the front line of argument. He spoke of Jewish homelessness and persecution, especially East of the Rhine, and he adopted Herzl's belief that potential anti-semitism was everywhere. He explained anti-semitism with Pinsker's theory of a disembodied spirit and suggested that the problem would be ended if the Jews were given "one place in the world, in God's wide world." This was the first mention by the Jewish Agency of the small size of Palestine. Giving it to the Jews would cost the world little. In this connection Weizmann uttered once again the old theme that the Jewish state would benefit mankind. In the National Home, he said

we could live and express ourselves in accordance with our character, and make our contribution towards the civilized world, in our own way and through our own channels. 63

63. Ibid. p. 12.
Chapter V

The Permanent Mandates Commission of the League of Nations

The Permanent Mandates Commission was established by the League of Nations to see that the powers entrusted with Mandated territories fulfilled the obligations of the Mandate. Each year the Commission received reports and heard testimonies from the several Mandatory Powers concerned, and it received as well petitions from individuals and organizations which had complaints against the manner in which the Mandate was being enforced. The Jewish Agency kept in close contact with the Permanent Mandates Commission through personal contact with the individual members and sent to the Commission each year a detailed memorandum on the development of the National Home. With each memorandum was sent a covering letter which spoke in general terms about the enforcement of the Mandate. Petitions concerned with specific issues, such as the Wailing Wall, were also sent to the Commission. The bulk of the Jewish Agency communications with the Permanent Mandates Commission dealt not with why the National Home should be established but with what the Agency considered as failures of the Mandatory Power to assist in its establishment. The various points were
not elaborated but were repeated, essentially without change, every year from the beginning of the Mandate until the last meeting of the Permanent Mandates Commission in 1939: The Palestine Government should provide funds for Jewish education. It should hire more Jews for government service. It should do more to help Jewish immigration and the "close settlement" of the Jews on the land. It should turn more state lands over to Jewish settlers. These were failures, the Jewish Agency felt, of the Mandatory Government to meet the specific obligations of the Mandate and the Mandatory Power should be advised by the Permanent Mandates Commission to mend its ways.

General argument for the establishment of the National Home hardly appears at all in the Jewish Agency communications with the Permanent Mandates Commission. The Permanent Mandates Commission was, after all, the guardian of the Mandate, and the Mandate had promised the establishment of the Jewish National Home. The Jewish Agency felt no need to urge before a tribunal the working premise it was already using. The general argument for establishing the Home is evident only in the covering letters sent with the annual memoranda, the documents concerning the White Paper of 1939 which will be discussed, and as an unexpressed foundation beneath the complaints against the Palestine Government. The argument is, of
course, that the National Home was promised the Jews by an internationally recognized legal document, the Mandate for Palestine. This obligation had been accepted by Britain when she accepted the Mandate and she had repeatedly, most notably in the Prime Minister's letter to Dr. Weizmann on February 13, 1931, reaffirmed her recognition of this obligation.

To keep its legal argument consistent, the Jewish Agency was obliged to maintain that all the obligations of the Mandate were being met by establishing the Jewish National Home. As has been shown, this was done in the Jewish Agency presentation before the various royal commissions, but the point did once or twice appear in the Jewish Agency's regular communications with the Permanent Mandates Commission. The argument was that both the Jewish and non-Jewish communities benefited from the establishment of the Jewish National Home. The establishment of the Home stimulated the economic growth of the country. If immigration were restricted then the growth of the Home would be restricted and the economic growth of the country would be retarded. The economic growth had been such that there was little even of Arab unemployment and the standard of life of all Palestinians had been raised. Jewish land purchase, contrary to the charge that it had harmed the Arabs, had contributed
directly to this economic growth from which everybody profitted.

Before the Permanent Mandates Commission stopped meeting in 1939 the Jewish Agency was able to submit to it two documents concerning the White Paper of 1939. The White Paper of 1939 was the result of the 1936 and 1938 royal commissions. The Peel Commission recommended, in effect, that Palestine be partitioned into a Jewish state and an Arab state. The Palestine Partition Commission of 1938, in effect, advised that a partition plan could not be effected. The 1939 White Paper outlined a new policy which the British Government hoped would be workable. For the first time the British Government explicitly admitted the validity of the Arab objection to Jewish immigration on political grounds. The White Paper suggested that Jewish immigration after five years be permitted only with Arab acquiescence. The Jews were not to be allowed to exceed a one third minority without Arab acquiescence. Land sales to the Jews were to be restricted. The Mandate was to be terminated and Palestine as a whole was to be made an independent state.

The Jewish Agency was very much disturbed by the White Paper, which it felt was contrary to the Balfour Declaration and the Mandate. The Palestine Royal Commission, by recommending that Palestine be partitioned
into an Arab and a Jewish state, made it possible for the term "state" to be used by Zionists in public statements and the Zionists took full advantage of the opportunity.

The Jewish Agency held that the British Government, from the time of the Balfour Declaration on, had always had in mind the creation of a Jewish state in Palestine. The suppression of the term "state" had prevented the point from being made previously, and the Jewish Agency made certain it was stressed to the Permanent Mandates Commission. The report of the Palestine Royal Commission asserted that the establishment of a Jewish state had been the intention of the men who wrote the Balfour Declaration, and the Jewish Agency stressed that the intention had been endorsed by Lloyd George and other highly placed members of the British Government. Both the Balfour Declaration and the Mandate, the Jewish Agency argued, were reflections of this intention and the British Government of 1939 had no right to reverse the policy which had been internationally sanctioned.

On the question of immigration the Jewish Agency relied again upon Article 6 of the Mandate. If Jewish immigration were to be facilitated, it could not be restricted in any way except by the economic absorptive capacity of the country. Furthermore, the recognition

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64. Report of the Palestine Royal Commission pp. 24-25
by the Mandate of the historical connection of the Jewish people with Palestine implied "recognition of the continuing right of the Jews to immigrate into Palestine." Denial of this "right" would be a violation of Article 6 of the Mandate.

The Jewish Agency argued that restriction of Jewish immigration would also violate Article 15 of the Mandate. That article stipulated that no person should be excluded from Palestine "on the sole ground of his religious belief." If Jewish immigration were restricted it would be a violation of the provision against religious discrimination.

The main legal argument, however, upon which the Jewish Agency relied to discredit the immigration policy of the 1939 White Paper was that it was a contradiction of the principle of the economic absorptive capacity. This principle had been set down by the White Paper of 1922. The Zionist Organization had formally agreed that the economic capacity of Palestine would determine the upper limit of Jewish immigration and the British Government had applied the principle for years. The British Government had repeatedly stated its adherence to this policy and the Permanent Mandates Commission had approved it. The Jewish Agency felt that the British Government had no

65. The Jewish Case Against the Palestine White Paper P. 10.
right to suddenly depart from the policy it had so long espoused. In any case, it had no right to abandon the long accepted principle in favor of the Arab veto, which would work directly against the establishment of the Jewish National Home.

Although most of the Jewish Agency arguments concerned with immigration were legal arguments, the agency did allude to both the moral arguments of historical connection and Jewish persecution. The Jewish Agency pointed out that the historical connection of the Jews with Palestine was recognized by the Balfour Declaration and the Mandate as the reason the Jews had a right to emigrate to Palestine. The idea, the Jewish Agency argued, of a Jewish National Home, necessitated acceptance of the principle that Palestine was the Jewish home, the place to which they could freely return. To deny this principle would be to deny the "whole conception of the Jewish National Home.\(^{66}\)

To the condition of the Jews in the Diaspora the Jewish Agency in The Jewish Case Against the Palestine White Paper referred only in passing, but the Agency did feel called upon to mention this oldest of Zionist arguments

\(^{66}\) Ibid. p. 10.
in connection with immigration. It was particularly unfortunate, the Jewish Agency felt, that the British Government intended to end Jewish immigration just at the time when it is clear that the conditions of Jewish life outside make its continuance necessary. 67

In another connection, when arguing against the end of the Mandate, the Jewish Agency maintained that permission for the Jews to enter Palestine should be continued to be given because Jewish suffering was greater than Arab suffering. This was the first time any such contrast was made by the Jewish Agency, and it was not elaborated, but it was based upon the condition of the Jews in the Diaspora. Again, the Agency quoted the report of the Palestine Royal Commission:

It should also be remembered that the collective sufferings of Jews and Arabs are not comparable, since vast spaces in the Near East, formerly the abode of numerous populations and the home of a brilliant civilization, are open to the former, whereas the world is increasingly being closed to settlement by the latter. 68

In the letters of the Jewish Agency accompanying the annual report of the Agency to the Permanent Mandate Commission, Jewish persecution was mentioned only twice. In 1934 Dr. Weizmann pointed out that the basic cause of

67. Ibid. p. 10.
68. Quoted from Report of Palestine Royal Commission in Jewish Case Against the Palestine World Power p. 13.
the national home policy of the Jews was the persecution
the Jews suffered in the Diaspora. Political and economic
persecution had made them turn toward Palestine as the only
country in which they would be safe. These straightforward
statements were mentioned as asides and were not advanced
as arguments for the establishment of the National Home.
Persecution of the Jews in Nazi Germany was becoming known
and the plight of the German Jews was beginning to revive
the moral argument for the National Home. However, the
Jewish Agency referred infrequently to Jewish persecution
and continued to represent to the Permanent Mandate
Commission that the reason the Jewish National Home should
be established was that the Mandate had so decreed.

The Jewish Agency refuted the land policy of the 1939
White Paper mainly with legal arguments. It did so by refer-
ring to the clause in Article 6 of the Mandate. It also,
however, used the new arguments of religious discrimination
which it had introduced when discussing immigration. It
was not, the Jewish Agency argued, in accord with Articles 2
and 15 of the Mandate, which contained clauses against
religious discrimination, for the Palestine Government to
deny Jews the right to buy land in certain areas of
Palestine.

To the White Paper intention of making the whole
of Palestine an independent state the Jewish Agency replied
with the argument given to the Palestine Royal Commission that an immediate independent Palestine was inconsistent with the idea of the Jewish National Home. The Mandate, the Jewish Agency argued, promised to establish the Jewish National Home, and an immediate independent Palestine ruled by an Arab majority would prevent the National Home from coming into being. The British Government had said that it did not wish to make Arabs citizens of a Jewish state against their will. The Jewish Agency pointed out that if making Arabs citizens of a Jewish state against their will was wrong, it must be equally wrong to make Jews citizens of an Arab state against their will.

The contention of the White Paper that to keep Palestine indefinitely under the Mandate would deny the spirit of the Mandate system the Jewish Agency rejected. Palestine, the Jewish Agency held, was not to be treated as were the other Mandated territories. In the Mandate for Palestine, unlike the Mandates for Syria and Iraq, there were no clauses predicting the eventual independence of the country. Palestine was a special territory and it was to be kept a Mandated territory until its independence would support the Jewish National Home. This, of course, meant that Palestine was to be kept a Mandated territory until the Jews became a majority in the country.

The Jewish Agency objected to the termination of the Mandate with the new argument that the obligations
of the Mandate towards the Jews were greater than those towards the Arabs. Although the Jewish Agency had long implied that this was the case, it had not before come out bluntly and said so. To do so the Agency quoted once again the report of the Palestine Royal Commission:

the primary purpose of the Mandate, as expressed in its Preamble and its Articles, is the establishment of the Jewish National Home. 69

In 1930 this claim was not stressed, but it became an important part of the Jewish Agency case before the Anglo-American Committee of Inquiry and the United Nations Special Committee on Palestine.

With the argument that the obligations to the Jews were greater than those to the Arabs went the argument that the Mandate stipulated no obligations to the Arabs. The 1939 White Paper referred to "assurances" to the Arabs. The British Government had repudiated any assurance to the Arabs concerning Palestine in the Sherif Husein - Sir Henry MacMahon correspondence and the Jewish Agency maintained that the only other assurance was a statement made by Commander Hogarth to Sherif Husein in January, 1918. This, however, the Jewish Agency considered invalid for the Arabs themselves had not used it as an argument and were apparently ignorant of its existence. The British

69. Ibid. p. 9.
Government, in fact, had not made the Hogarth statement known until 1939 and so it could hardly be taken as a valid assurance to the Arabs.

In the *Jewish Case Against the Palestine White Paper* the Jewish Agency repeated the arguments discussed in the last chapter that the rights of the Arabs were economic rights. The economy of Palestine was thriving and all segments of the population benefited. If any other rights were intended, the Jewish Agency argued, the Mandate certainly would have specifically mentioned them. In effect, the only obligation Britain had toward Palestine was to establish the Jewish National Home and if she were to fulfill this obligation she would have to repudiate the White Paper of 1939.
The San Francisco Conference

After the Second World War, the United States invited 50 states to the Conference on International Organization whose purpose was to draft a charter for the United Nations. The Zionists, not representing a state, were not invited but they were nonetheless interested in the proceedings. Their legal argument depended upon the continuation of the obligations of the Mandate by the United Nations, and the Jewish Agency sent memoranda to the San Francisco Conference to encourage this continuation.

The primary concern of the Jewish Agency was that

the special rights of the Jewish people under the Balfour Declaration and the Palestine Mandate, and all such rights shall be expressly reserved and safeguarded. 70

these rights should be protected, the Jewish Agency argued, because their protection was in accord "not only with the demands of justice and the theory of acquired rights 71" but also because it was the tradition of Europe and America that vested interests were not nullified by war.

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71. Ibid. p. 3.
To protect Jewish interests in Palestine the Jewish Agency suggested that, whatever might be the wording of the United Nations Charter concerning trusteeship, it should include the following:

No trusteeship arrangement shall deprive any people or nation of any rights or benefits acquired, or impair any obligations assumed under existing mandates held by members of the United Nations. 72

Despite opposition from the Arab states present at the Conference, this provision was included in Article 80 of the United Nations Charter:

... nothing in the chapter should be construed in and of itself to alter in any manner the rights of any state or any peoples in any territory, or the terms of the mandate.

The Jewish Agency was safe to continue its argument of the legal obligation to establish in Palestine a Jewish National Home.

72. Ibid. p. 3.
Chapter VI

The Anglo-American Committee of Inquiry

Increasing British Government realization of the potency of Arab opposition to Jewish immigration was matched by increasing United States sympathy with the Zionist cause. The Zionists had shifted the center of their activities outside Palestine from London to New York and the United States began to play an active role in the political affairs of the troubled country. President Truman sent representatives to visit the refugee camps in Europe and then publicly requested England to immediately grant entrance visas to Palestine for 100,000 Jews. In an attempt to ease this pressure from the United States by giving the United States some political responsibility for Palestine, Britain suggested that the Anglo-American Committee of Inquiry be formed to investigate the Palestine problem and recommend a solution.

The situation was considerably different from any the Zionists had previously faced. Although they had been largely successful in having the obligations of the Mandate honored by the United Nations Charter, Arab Political opposition had been recognised by the 1939 White Paper and it was becoming more obvious that the
Zionists wished to make the Arab majority subject of a Jewish state against its will. The legality of this was cast in doubt by the obvious political injustice it would entail. The Zionists seem to have concluded that their legal argument would no longer be as effective as it had been and they abandoned it almost completely to argue their case on moral grounds. 73

The report of the Palestine Royal Commission had drastically affected the Zionist argument. The Peel Commission brought the word "state" back into discussions concerning Palestine. It had investigated the intentions of the British statesmen who wrote the Balfour Declaration and concluded that they had considered a Jewish state in Palestine a distinct possibility. The Commission went on to recommend that Palestine be partitioned into an Arab and a Jewish state and the Zionists were free for the first time since the Balfour Declaration to speak directly of their political goal. They could say in the open that they wanted the "assured supremacy" which Herzl had pointed out was necessary to their success.

73. The evidence given by the Jewish Agency to the Anglo-American Committee of Inquiry was published in full in late 1946 or early 1947 by the Jewish Agency under the title The Jewish Case. Unfortunately, I could not locate this volume. However, I did have access to the transcripts of the public hearings before the Committee. The oral evidence given by the Jewish Agency is, substantially, a resume and an explanation of the written memoranda and it is therefore unlikely that any major arguments were not discussed in the oral evidence.
The moral argument of the Jewish Agency before the Anglo-American Committee was founded on three basic points: historical connection, Jewish persecution, and the economic capacity of the country. The argument of economic capacity had previously been used as a legal argument in support of the policy set down by the 1922 White Paper, but before the Anglo-American Committee the Jewish Agency did not stress its legal aspects. Instead the Zionists implied that because the economic capacity of Palestine was practically unlimited it would be morally wrong to restrict Jewish immigration and thereby inhibit Palestine's economic growth.

The argument of historical connection remained the point of departure but it had received several new embellishments. The difference between the historical connection of any people to any country in which they had once lived but in which they no longer lived, as, for instance, the connection of the Arabs with Spain, was different from the Jewish connection with Palestine because the Jews constantly thought of Palestine and the Arabs never thought of Spain. This affection for the land, this love of Zion, the Jewish Agency argued, made the Jewish claim to Palestine valid. The claim to Palestine the Zionists said was valid because they, themselves, considered it
The Jewish Agency stressed that Palestine was the "home" of the Jews. The ancient land of Palestine had been created by the Jews and, conversely, the Jews had been made by Palestine. The land, the holy book the people produced on the land, and the people were all connected by an indissoluble bond. Evidence of the reciprocal relationship between the Jews and the land was the success of the Jewish settlements in Palestine. The Jewish settlements in Argentina were unsuccessful not because they received any less attention from the Jews or that that the land was unsuitable for settlement. The Argentinian settlements were financed by wealthy Jews and the land was fertile. In contrast, the Jewish settlements in Palestine were financed by small contributions from poor Jews and were established on unproductive land. The Jewish settlers in Palestine had been obliged to make the land productive and they had done so successfully against overwhelming odds because the land they were working was Palestine. Love for the land made Jewish settlement successful and Palestine was the only land Jews loved. There was no other place in the world where Jews could successfully work the land.

The ancient Jewish state in Palestine, the Jewish Agency maintained, had held a much greater population
than did Palestine in 1946. Since ancient days the country had become sparsely populated and the Jews wished to re-populate the land. They wished to "return" to their "home" and their "right" to "return" was denied, the Zionists felt, by restrictions on immigration. Jewish immigration was basic to the establishment of the Jewish National Home and the Zionists argued that only a Jewish state would guarantee unlimited Jewish immigration into Palestine.

The most pertinent of the moral arguments used by the Zionists immediately after the end of the second world war was the argument of Jewish persecution. On its way to Palestine the Committee toured both the concentration camps where the Jews were murdered and the camps in which the survivors were awaiting re-settlement. The Jewish Agency repeatedly stressed the need for these poor people to be given a place to live outside of Europe. To ask the Jews to live on the ground where so many Jews had been murdered would be asking too much of them. They needed to get out of Europe, and their re-settlement was the responsibility of the world.

The refugees, the Jewish Agency testified, wanted to go to Palestine. The Agency estimated that 60% of the Jewish refugees in Europe wanted to leave Europe and that most of that 60% wanted to go to Palestine.
Only the idea of their "return" to Palestine had kept these people alive and to prevent them from "returning" was to submit them to further, spiritual, torture. They should be allowed to "return" and establish a Jewish state.

The Jewish Agency, for the first time openly advocating the creation of a Jewish "state" rather than a Jewish "home", argued that the state should be created for additional reasons than to fulfill the wish of the Jewish refugees in Europe. The Agency argued that Palestine was the only place in the world where the Jews could find refuge. From all of Europe the Jews had been expelled and the only land to which they could come was Palestine. The Jewish state should be established to guarantee Jewish safety.

The state was needed to guarantee Jewish safety in regard to the Arabs as well as in regard to Europe. The Jewish Agency pointed out that the Arabs were hostile to the Jews and that Jews living under an Arab majority would not be secure. A Jewish state was the only political structure which would guarantee Jewish safety against Arab hostility.

A Jewish state should be established, the Jewish Agency continued, to provide a place for the Jews where they could be 100% Jewish. No where else in the world
had they been allowed to do so; and they wanted a place where they could, without fear, be what they wanted to be. They wanted a place where they could undertake all the tasks necessary to a state; where they could build a state entirely the product of their own labor. In such a state they could demonstrate to the world that they could perform all jobs as well as any other people on earth; that they were good for more than just those tasks they had been permitted to do in Europe.

The Zionists did not forget the old argument that the establishment of a Jewish state would end anti-semitism. When questioned specifically on this contention, Dr. Weizmann replied with the Pinsker argument that if the Jews could show their own state where their work was evident they would cease to be ghosts and become equal to everybody else. This line of reasoning was not readily accepted by the Committee and when he was pressed upon it Dr. Weizmann admitted the possibility that the creation of a Jewish state might not make a Jew in other countries more secure. However, he said he was an empiricist and he would like to try the "experiment" and "see how it works out." 74

On the question of why the Jews were persecuted the witnesses for the Jewish Agency did not spend much time. Dr. Weizmann mentioned Pinsker's theory that the Jews were a ghost nation among living nations and that, as such,
they were feared and hated. Assimilation, which Dr. Weizmann termed "symbiosis" he discarded for the same reason as had Herzl. In Germany Jewish assimilation had been extensive and still Hitler had massacred the Jews. The assimilation which was taking place in America and England Dr. Weizmann considered promising but he feared that anti-semitism might develop in these Anglo-Saxon countries as well.

Ben Gurion testified that the Jews had come to Palestine to escape discrimination. He refused to speak of anti-semitism, which he somewhat belligerently said was the responsibility not of the Jews but of the gentiles to explain. Discrimination, he said, was practised against the Jews because the Jews were different and because they were a minority. It was to live in a place where they were not different from their neighbors that the Jews came to Palestine, and they wished to become a majority. By coming to Palestine and by making themselves a majority in the country the Jews hoped to free themselves from all forms of discrimination.

The argument of the economic capacity of Palestine hinged upon the Zionist assertion that Jewish immigration benefited the Arabs. The Jewish Agency insisted that Jewish immigration had not displaced the Arabs and that the development of the country, which had occurred in
direct ration to Jewish immigration, had improved the lives of the Arabs. Development, although not directly, was indirectly the result of Jewish immigration. The Jewish Agency pointed out that the life expectancy of the Palestinian Arabs was higher than the life expectancy of Arabs in the surrounding countries and it had risen as Jewish immigration had increased. Moslem infant mortality was highest in the purely Moslem areas, and was lowest where the Moslems and the Jews were neighbors. The swamp drainage done by the Jews had greatly reduced the incidence of malaria among Arabs as well as among Jews.

Financially also, the Jewish Agency maintained, Jewish immigration had benefited the Arabs. The immigrants had brought tremendous capital with them, and even if they had desired to prevent the flow of capital from the Jewish to the Arab sector of the economy, they would not have been able to do so. The land purchases alone, which were generally made at "extraordinary prices," had poured funds into the Arab pocket. The increase in Jewish urban population had created new markets for Arab agricultural produce. The Jews, who constituted one third of the total population of Palestine, contributed 65% of the Palestine government's income. Government projects therefore, in which Arabs were employed, were the result of Jewish immigration. The extensive construction the Jews were
undertaking used a great deal of the building materials provided by the Arabs, and the Jews also directly hired Arab labor. All these economic stimulants, the Jewish Agency insisted, had substantially improved the life of the Palestinian Arab.

The Jewish Agency argued that the economic growth of Palestine had not been achieved at the cost of displacing the Arabs. The Jews had been absorbed into Palestine; they were an addition to, not a replacement of the Arab population. This, the Jewish Agency testified, was to the Jews a matter of "moral conviction." The Jews, the Jewish Agency assured the Committee, had no desire to establish a state by driving out the indigenous population. To this effect the Jewish Agency witness concerned with the economic potential of Palestine testified:

and it is fundamental to us that it is no good for us to talk about economic absorption if that means transfers, driving out of the country, driving out of occupation. 75

The witness did not point out Herzl's thoughts concerning the indigenous population. Herzl did not consider the indigenous population in terms of the reasons for the Jewish state and he mentioned the indigenous population only as an afterthought. However, in this connection Herzl's afterthought is pertinent:

75. Ibid. 8 March p. 69.
We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country. The property owners will come over to our side. Both the process of expropriation and the removal of the poor must be carried out discreetly and circumspectly. Let the owners of immovable property believe they are cheating us, selling us things for more than they are worth. But we are not going to sell them anything back.  

The Jewish Agency submitted to the Committee much documentation to support their contention that the economic capacity of Palestine was almost unlimited. In the sense that the phrase "economic capacity" was limiting, the Agency argued, it had no meaning. Economic capacity depended only upon accomplishment. Each Jewish immigrant raised the country's economic capacity. The land on which the Jews had settled had not been productive when the Jews came to it but in 1946 it supported great numbers of people. When the settlers came to the country they were, strictly speaking, in excess of the "economic capacity" of Palestine but they by their own efforts had raised that capacity. The Jewish Agency wished to gain control of immigration so it could create absorptive capacity by bringing into the country increasing numbers of new immigrants.

The transformation of unproductive land into productive land had been an important element of the economic capacity argument of the Jewish Agency ever since the Hope Simpson report. Before the Anglo-American Committee, the Jewish Agency for the first time heavily emphasized the industrial potential of the country. Jewish industry had grown considerably since 1917 and it had done well even during the difficult war years before 1941. Now that the war was over the Jewish Agency was confident that industry would soon be able to triple its size.

The natural resources of Palestine the Jewish Agency did not admit to the Anglo-American Committee as factors which would determine the economic capacity of Palestine. What would decide the country's economic capacity was the quality of its population and the Jewish Agency had no doubt that the Jews, as had the Swiss, could develop a small country with no resources into a modern industrial state and thereby make room for ever increasing numbers of immigrants. The estimate submitted was one million immigrants in ten years, but this was not intended to be an upper limit of immigration. It was meant only to deny attempts to suggest that Palestine had a limited potential.

The new population would be an urban population, the Jewish Agency argued, which would not be a source of friction with the Arab agricultural worker. The two
sections of the population, the Agency maintained, would simply stay out of each other's way.

This whole urban population would need no more physical space than is needed for its factories and its residential establishments.\textsuperscript{77}

This contention ignored the Jewish "love of the land" which the Agency held up as the reason the Jews could, and should, immigrate to Palestine and work the land. The Jewish Agency wanted Jewish settlers who would farm and Jewish industrial workers who would not come in contact with the Arab farmers.

The Jewish Agency continued the argument it had held concerning Arab-Jewish relations against the report of the Royal Commission on the Palestine Disturbances of 1929. The Arabs, the Agency argued, didn't object to Jewish immigration. It was true that the Arab leaders objected but this was only for political reasons. The Arab common man knew that he benefited from Jewish immigration and he was not opposed to it.

The Jewish Agency did not restrict Arab approval of Jewish immigration to the Arab common man. Even some Arab leaders had approved. Both King Husein and the Emir Feisal had agreed that, if the Arabs received their

\textsuperscript{77. Public Hearings Before the Anglo-American Committee of Inquiry March 8, p. 73}
independence, the Jews could have Palestine. A Syrian delegation to the Supreme Allied Council just after World War I, the Jewish Agency added, had approved of the Zionist claim to Palestine and had given their permission for the Jews to become the rulers of Palestine.

These arguments rest upon the Jewish Agency contention that the Palestinian Arabs were not to be considered as an entity by themselves but as a fraction of all the Arabs in the world. The Jewish Agency maintained that there was no such thing as Palestinian Arab political interest. The political aspirations of the Arab could be met in Damascus, Cairo, and Baghdad, and it was asking very little of the Arabs that Palestine be given to the Jews.

Although the legal argument for the state was hardly mentioned by the Jewish Agency before the Anglo-American Committee, the little attention it did receive is worthy of mention. Under examination, Mr. Shertok, the head of the political department of the Jewish Agency, admitted that the establishment of the Jewish state was "not expressly" part of the Mandate. He claimed, however, that it was the "implied policy" of the Mandate. The White Paper of 1922 had not precluded the establishment of a Jewish state and Dr. Weizmann testified that Prime Minister
Churchill, in a private conversation with Weizmann, had implied that Palestine would be partitioned into an Arab and a Jewish state. The 1939 White Paper, a product of the Chamberlain Government, was illegal because its restriction of Jewish immigration was a denial that the Jews were in Palestine "as of right".

One of the most interesting new arguments the Jewish Agency advanced was that, although the creation of a Jewish state would necessitate some injustice for the Palestinian Arabs, this injustice was less unjust than the injustice which would be done were the Jews denied their state. The Arabs had two kingdoms and four republics. Palestine was a small loss to them. Furthermore, the Arabs had given little to earn their political independence. They had not suffered as the Jews had suffered. What little the Arabs lost politically would be more than compensated for by the benefits they would reap living under Jewish rule.

There was no question, the Jewish Agency testified, that the Arab minority in the Jewish state would be persecuted by a Jewish majority. The Jews had suffered too much at the hands of others to wish to inflict persecution. For protection the Arabs always would have the surrounding Arab countries, which were powerful, and which would not tolerate mistreatment of the Arab minority. As individuals in a Jewish state the Arabs would not suffer, even as they had not suffered as a result of Jewish immigration.
Chapter VII

The United Nations Special Committee on Palestine

The next tribunal to hear the Zionist argument for the establishment of the Jewish state was the United Nations Special Committee on Palestine. The Zionist presentation to UNSCOP was comprehensive; it was later published by the Jewish Agency in one volume of more than 550 pages. The arguments are presented so thoroughly that it is difficult to decide in what order of importance the Jewish Agency considered them. Each argument the Agency seemed to consider important enough by itself to justify the establishment of a Jewish state in Palestine.

Although it was given considerable attention, the legal argument was relegated to a position slightly inferior to the moral argument. It was, of course, still founded on historical connection. The ancient Jewish state had existed and the Jews had always been drawn to Palestine. This historical connection existed before the Balfour Declaration, which recognized it, and before the Mandate, which gave it "constitutional expression." Both the Mandate and the Balfour Declaration were international commitments to the Jewish people. The White Paper of 1922
had said that the Balfour Declaration was "not susceptible of change." This international commitment to the Jewish people must be maintained by the United Nations because one of the reasons the United Nations had been created was to uphold the obligations of international law.

In reference to the 1939 White Paper, which had been attacked by Churchill, the Zionists frequently reminded UNSCOP, the Jewish Agency pointed out that nothing in the Mandate determined that the Jews were to be a permanent minority or that Jewish immigration was to be limited either by time or by a numerical ceiling. Neither had the Mandate mentioned any restrictions of land sales to Jews. No limit to the growth of the National Home had been stipulated by the Mandate, and the natural political evolution would lead to a democratic state in which the Jews would be a majority. The Palestine Royal Commission had made clear that this result had been foreseen by Balfour, Lloyd George, President Wilson, General Smuts, Churchill, and Chamberlain.

Ben Gurion added a new twist. Not only had this result been foreseen he testified, it had been intended, and the safeguards for the non-Jewish population were proof. If the Jews were intended to remain a minority and the Jewish state had not been envisaged, there would have
been no need to include safeguards for the non-Jewish population, which was a majority of the population. The majority, Ben Gurion reasoned, needs no safeguards in a state, and therefore the intention of the Mandate must have been that the Jews were to become a majority and establish their own state.

On the question of the "dual obligation" undertaken to the Arabs and the Jews, the Jewish Agency responded with the argument it had used before the Peel Commission. The dual obligation was, first, to establish the Jewish National Home and, second, to establish self-governing institutions. The primary obligation, as the Peel Commission had pointed out, was the establishment of the Jewish National Home. It followed then, the Jewish Agency argued, that the less important obligation could not block fulfillment of the first.

The Mandate was, therefore, carefully framed to preclude majority self-government so long as its grant threatened the growth of the Jewish National Home. 78

Arab political aspirations were not to block the development of the National Home. The only consideration which should be considered was the absorptive capacity of the country.

The argument of the country's absorptive capacity the Jewish Agency used again primarily to support their moral argument for the establishment of the Jewish state. "Economic capacity" the Jewish Agency interpreted to mean the "freedom to create economic capacity." It was not a static estimate, but the freedom to develop, and the Agency argued that economic development was the direct result of Jewish immigration. Jewish immigration ought to be permitted without restriction so that there would be more room created for additional Jewish immigration.

Economic capacity was not, the Jewish Agency maintained, limited by land area or water availability. Agriculture could and was being transformed. Irrigation and intensive farming was being undertaken. The amount of production per unit of land was increasing. Industry, of course, had much to do with the economic capacity and Palestine had the best of all raw materials: brains. Jewish industry had grown tremendously and would continue growing. Jewish immigration, the Agency argued, had made all this possible, and Jewish immigration should be considered only as a positive economic contribution.

The Jewish economy the Jewish Agency described as strong, self supporting, and only in the first stages of development. It was said to be capable of absorbing one million people within ten years. With a heavily indus-
trialized economy, the Jewish Agency argued, Palestine could absorb two or even three times its 1947 population. A Jewish state was a practicable undertaking.

The above argument of economic absorptive capacity still depended upon the Jewish Agency contention that the Arabs were not adversely affected by Jewish immigration. The Jewish Agency testified that only 664 Arabs had been displaced by Jewish land purchase and of these only 300 accepted the government offer of land for re-settlement. Fifty of the 300 who accepted the offer soon abandoned the land given them by the government and moved back to the areas from which they had come. 200 of the 250 remaining came from Wadi Hawareth, which the Jews had developed to such an extent that the Arabs preferred to settle in the vicinity rather than move to the land the government allotted them. Before the Jews settled in Wadi Hawareth these Arabs had been nomads; in 1947 they were living comfortably in two large villages. There were then, the Jewish Agency contended, only 50 Arabs who needed to be re-settled, and this was an insignificant figure after so many years of Jewish land purchase.

Before UNSCOP the Jewish Agency continued the argument that, not only were the Arabs not suffering from Jewish immigration, they were profiting from it. The Agency testified that Arab salaries and farm production had increased and unemployment and infant mortality had decreased
in a direct ratio to the increase in Jewish immigration. Jewish immigration was held up to be the agent of these improvements. The land sales which were a source of so much discussion had often been the means by which Arab farmers had gained the capital to free themselves from debt and invest in equipment which made intensive and more profitable farming possible. Proof of this, the Agency continued, was the higher standard of living among Palestinian Arabs than among the Arabs in the surrounding countries.

The Jewish Agency heavily emphasized the argument of historic connection of the Jews with Palestine. The Agency did not elaborate the argument, but the argument appeared as an undercurrent in many statements. To the "birthplace of the Jewish people" the Jews should "return." The Jews, the Agency maintained, were coming "home." They were coming to Palestine "as of right" for Palestine was "their" country.

The Zionist also laid heavy stress on the argument of Jewish persecution. They gave much weight to the persecution the Jews had suffered at the hands of the Nazis and of the need to prevent such mass murder from recurring. Only a state, the Jewish Agency argued, could protect the Jews from a recurrence for only a state would make them equal to all other nations on earth. This argument which
Hess had introduced was particularly persuasive immediately after the Second World War. The survivors of Nazi persecution should not be prevented from "returning" to their "homeland." Until the Jews could "return" to Palestine and become a majority within their own state, Ben Gurion testified, "there is no hope for the Jewish people, nor can there be justice in the world." 79

The Jewish Agency gave a new twist to the argument of persecution when advocating their case before UNSCOP. All other nations in the Middle East, the Jewish Agency pointed out, had been given their independence and it was unfair that the Jews should be denied the same privilege. It was an "intolerable anomaly" that the Jews were not represented in the United Nations. The Jews in Palestine were politically mature, and they should be treated as equals to the Arabs in the area.

The Jewish Agency assured UNSCOP that the Arabs living in the Jewish state would not be mistreated. All citizens, the Agency promised, would be equal. By this the Agency meant equal before the law; it did not mean equal right to make the law; to govern. The Jewish Agency did not pursue the thought that if one community were

79. Ibid. p.298.
denied the right to legislate it necessarily must be less than equal. Nonetheless, the Jewish Agency repeated the assurance that it had no interest in establishing a state based on domination. The Arabs certainly would not be removed. The large Arab states surrounding the Jewish state and the Jews living within the Arab states would guarantee that the Arabs living within the Jewish state would not be harmed in any way. In fact, the Jewish Agency argued, it would be in the interest of the Jews to treat the Arabs well. The Jews would not want a large segment of their state's population to live on a level below the majority. The Jews would want to raise this level both out of kindness and the natural desire to protect their own high standard of living against an incursion of cheap labor. Furthermore, if the Arabs in the Jewish state were raised to the same level as the Jews then the Arabs themselves would wish to protect the Jewish state against cheap Arab labor from the neighboring Arab countries.

The Jewish Agency continued before UNSCOP the contention that the Palestinian Arabs were not to be considered as an entity by themselves but as a part of the larger Arab people. Arab aspirations for political independence were met in the surrounding Arab countries, which contain more than 1,250,000 sq miles. It was a small deprivation to deny them sovereignty in the little area which was Palestine.
The most interesting argument the Jewish Agency submitted to UNSCOP for the establishment of the Jewish state was that it would contribute to Arab–Jewish relations. The Arabs, the Jewish Agency testified, had resisted Jewish settlement only when British policy on the subject had not been firmly in support of the Zionists. In 1936, the Agency alleged, when partition of the country seemed likely, the Arabs had approached the Jews for a settlement. As soon as the partition plan was abandoned by the British Government the Arabs again showed no desire to come to an agreement with the Jews. If only, the Jewish Agency maintained, the Arabs were made to realise that the establishment of a Jewish state was inevitable, then the Arabs would come to terms with the Jews and there would be friendly, mutually profitable relations between the Jewish state and all other countries in the Middle East.
United Nations General Assembly

UNSCOP completed its report to the General Assembly on August 31, 1947. The report recommended that the Mandate be terminated and that a short transitional period, during which Palestine would be administered by an authority responsible to the United Nations, should precede the granting of independence. Whatever the political arrangement after independence, Palestine was to be democratic and the economic unity of the country was to be preserved. The report included two proposals for a political solution. The majority proposal was a partition plan which allotted the Jews 55% of the land area of Palestine for a Jewish state. Jerusalem was to be an international city belonging neither to the Arab nor the Jewish state. A treaty between the two states should provide for economic union between them. The minority proposal was a federal state. Separate Arab and Jewish states with local self government would be established but they would be federated into one government, with a capital at Jerusalem, which would be responsible for national concerns.

On September 26 the adhoc Committee on the Palestine Question, composed of all member nations, agreed to hear statements of the parties directly concerned. On October 2 Dr. Silver testified for the Jewish Agency, resting his case.

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80. In 1947 the Jews constituted 35.1% of the population of Palestine, and had under their control 7% of the land.
upon the historical connection of the Jews with Palestine. He spoke of the 2,000 years of history the Jewish people had behind them before the Arabs conquered the territory, and he pointed out that the ancient Jewish civilization had given birth to Christianity and to religious leaders accepted by Islam. Ben Gurion's assertion before the Anglo-American Committee of Inquiry that Palestine owed its identity to the Jews, Dr. Silver repeated and he asserted that the Mandate's recognition of the Jewish association with Palestine was simply acknowledgement of "a universally known fact."\textsuperscript{81}

Dr. Silver continued the argument of Jewish security in Palestine. He referred to the riots of 1929 and quoted the British High Commissioner in Palestine at the time, Sir John Chancellor, who had spoken of "savage murder perpetrated upon defenceless members of the Jewish population."\textsuperscript{82} Dr. Silver also mentioned the riots of 1936 which the Palestine Royal Commission had described as "assaults upon the persons and property of the Jews, conducted with the same reckless ferocity as in 1929 and without sparing women and children."\textsuperscript{83}

The argument of Jewish persecution in the Diaspora was not ignored. Dr. Silver mentioned the difficulties for Jewish refuges who were about to spend "their third

\textsuperscript{81} United Nations Official records of 2nd session of General Assembly Ad Hoc Committee on the Palestine Question 1947 p. 13.

\textsuperscript{82} Ibid. p. 13.

\textsuperscript{83} Ibid. p. 14.
winter since the end of the war in camps."\textsuperscript{84} He reiterated the argument put to UNSCOP, that these refugees had an "intense urge" to go to Palestine and that they should be allowed to do so. At this point Dr. Silver made an unprecedented admission. This desire, he testified, was not a "right" in itself, but had been made a "right" by the Balfour Declaration and the Mandate. Previously the Zionists had consistently held that the Jewish "right" to Palestine was based on historical connection which had been recognized by the Balfour Declaration and the Mandate. This "right" was considered by the Zionists to date from the time of the ancient Jewish state and by no means was considered to date from the Balfour Declaration. Dr. Silver could not have realised the implications of what he was saying. However, he went on to wed the moral argument of Jewish desire to go to Palestine with the legal right to do so created by the Balfour Declaration and the Mandate." It would be unjust," he testified, "to deny the right to go to the Jewish National Home to those who wanted to do so."\textsuperscript{85}

The concern of the classic Zionist writers with Jewish homelessness Dr. Silver repeated to the United Nations and he maintained that Jewish homelessness could be cured in only one way:

\textsuperscript{84} Ibid. p. 15.

\textsuperscript{85} Ibid. p. 15.
The Jewish problem in general was none other than the age-old question of Jewish homelessness, for which there was but one solution—that provided for by the Balfour Declaration and the Mandate—the reconstitution of the Jewish National Home in Palestine.

Mr. Shertok, speaking on October 17, pressed the Zionist legal argument. He pointed out that the Mandate was a legally valid document which had guaranteed special facilities for immigration and settlement throughout Palestine, subject only to the condition that it should not prejudice the rights of the existing non-Jewish inhabitants.

This legal obligation, Mr. Shertok pointed out, was, according to Article 80 of the United Nations Charter, valid until the Mandate was replaced by another "international instrument."

To the legal weight of the Mandate, Mr. Shertok added the moral argument of Jewish assistance to the Allies. He denigrated the participation of the Palestine Arabs in the First World War and said that, in contrast "Jews from all over the world, including Palestine, had fought with the Allies." Victory was responsible both for the creation of the Arab states and the "promise of Palestine to the Jews." In the Second World War also, Mr. Shertok testified, the Arabs "contributed nothing" and joined only just in time to be eligible for the United Nations whereas

86. Ibid. p. 15.

87. Ibid. p. 110

88. Ibid. p. 110
Palestinian Jews had fought hard against the Axis Powers. Palestine was the Jewish reward, and the Arabs had no right to block it.

Mr. Shertok went on to repeat the point discussed in the last chapter that the Arabs at one time had approved of Jewish settlement in Palestine. The argument here was that Emir Feisal had agreed with Dr. Weizmann and the Syrian delegation to Paris after World War I had approved of the Jews settling in Palestine.

Mr. Shertok continued the argument that establishing a Jewish state in Palestine was the only way "of saving succeeding Jewish generations from extermination and the sorrow of homelessness."89 The Jews of Palestine were a nation, he continued, and deserved the "same rights and the same self-determination as other peoples."90

The argument that the Arabs would not suffer but would profit from the establishment of a Jewish state the Jewish Agency continued. Mr. Shertok testified that what little land the Arabs had lost was more than compensated for by increased production Arab farmers had achieved by copying Jewish farming methods. The Jews had shown the Arabs what could be done by taking uncultivable land and

89. Ibid. p. 111.

90. Ibid. p. 111.
making it highly productive. Furthermore, it would be in Jewish self interest to help the Arabs. By helping the Arabs raise their standard of living the Jews would encourage a market for their industrial products.

Dr. Silver reintroduced a theme which was mentioned before the Paris Peace Conference and ignored until it was drawn back into the limelight by Dr. Silver where it has remained ever since. The country was being "transformed," as Mr. Sokolow in 1919 had predicted that it would be. In Dr. Silver's words, the wilderness" had been made to "blossom as the rose," and the process should be allowed to continue. The implication was that progress was taking place in Palestine because of the Jews, and it would be immoral to inhibit it.

The last representative of the Jewish Agency was Dr. Weizmann, who repeated some of the points already mentioned: historical association, early Arab approval of Jewish settlement in Palestine, the development of an industrial state comparable to Switzerland. He referred to the argument of Jewish safety in Palestine by pointing out that the Jewish community was confronted with a numerically superior hostile group and then he introduced a variation of Hess's argument of immutable racial groupings. Dr. Weizmann said that this numerically superior group "had no characteristics in common with the Jewish community." The two could not work together for they were unique unto themselves and therefore the only satisfactory way the Jewish community could be governed was by self government in a Jewish state.
Dr. Weizmann also introduced an entirely new argument which has remained a basic Zionist tenet. He introduced the argument of the fait accompli. Previously, the Zionists had argued their case entirely on the two foundations of moral and legal considerations. Now, for the first time, the Jewish Agency rejected these arguments upon which it had expended so much attention as being less important than an argument they had not once mentioned before 1947. No longer was the argument the weakness of the Jews and the obligation of the world to protect them, but rather the strength of the Jews. The Jewish community in Palestine, Dr. Weizmann testified, was 700,000 strong, and the fact of its existence was a more powerful argument than historical or legal considerations. No matter what the opinion of the Arabs or anybody else on the subject, the Jewish community in Palestine existed, and it deserved a state. The Jewish national home was a fait accompli, and there was no sense in denying it. The shift this implies from passivity to activity was illustrated by the Arab-Jewish war which broke out as soon as the United Nations partitions resolution was passed on November 29, 1947 and has remained a basic characteristic of Zionist policy ever since.
Conclusion

On May 15, 1948, the Mandate was terminated and the state of Israel came into being. It was not, of course, argument which realized the Zionist goal, and the violence of the period from November 29, 1947 until peace was finally achieved in 1949, bears witness to the gulf between arguments advanced for action and the action which in fact occurs. Yet for all the distance, the two are linked for to a large extent it was the argument which made the action possible. One is impressed with the versatility and the comprehensiveness of the argument, and the effective use to which it was put.

The early Zionists had no real claim for a state. They had only a sense of persecution and the nebulous idea that a Jewish state would both end their persecution and help the world. These were moral considerations, and they pressed hard upon them to gain some practical advantage, the first of which was the choosing of Palestine as the site of their state. Although it seems a natural choice now, it was a difficult one at the time it was made and the dispute sharply divided the Zionists congresses for several years around the turn of the century.

The argument of historical connection was a determining factor in making this choice, but it was not strong enough
to justify establishing a state within the Ottoman Empire which, although the "sick man of Europe" was still very much alive and not at all receptive to the idea. The Zionists could only encourage sympathy for their persecution and approval of the idea of a Jewish state, while they continued as best they could their work in Palestine itself. Finally, while Britain was at war with the Ottoman Empire, the Zionists succeeded in getting partial support for their policy, which they continued through the Paris Peace Conference.

It is in this period that the versatility of the Zionist argument becomes apparent. The moral argument of persecution was combined with the moral argument of historical connection to bring into being a legal claim. The Balfour Declaration, the Zionists argued before the Paris Peace Conference, was an internationally recognized legal promise to the Jewish people. A promise is not a law, and the only countries which had endorsed the Balfour Declaration were France and Italy. However, the Zionists argued that the Peace Conference was legally, as well as morally, obliged to endorse the Balfour Declaration.

Throughout most of the years of the Mandate, the legal argument remained predominant. The moral argument of historical connection the Zionists continued to use
it had been mentioned in the Mandate – but the moral argument of persecution was all but ignored. The Zionists were primarily interested in the concrete steps they could take in Palestine. These depended upon the Palestine Government which in turn was controlled by the Mandate. Accordingly, the Zionist focussed their attention upon the Mandate, and expended considerable ingenuity upon the argument that everything they wished was within the terms of the Mandate.

The flexibility of the Zionist argument is well illustrated by the Zionist contention that the Arabs gained from Zionist settlement. Hope Simpson had pointed out that Jewish land purchase was reducing the amount of land on which the Arab farmer could live. The Zionists contradicted him by arguing that the very element which Hope Simpson said was harming the Arabs was helping them. The more Jewish immigrants, they argued, the more land there was available for farming. No land was taken from the Arabs because the few Arabs who were displaced found other land to farm, and the Arab farmer, by watching Jewish farming methods, increased his own production.

In the later years of the Mandate the Zionists were rightly accused of wishing to subordinate the majority of a country's population to a minority. In reply the
the Zionists claimed that the majority was not a political entity in the first place and in the second place it would profit tremendously from living in a Jewish state. This was primarily a legal argument, for it was used to support the contention that the Jewish state was compatible with the Mandate. However, as the Mandate aged the legal argument became less relevant and the Zionists resuscitated the moral argument of Jewish persecution. The overwhelming suffering of the Jews in Europe the Zionists returned to the limelight where it remained, slightly ahead of the legal argument, until the state was born.

In addition to the versatility of the Zionist argument, one is impressed by its comprehensiveness. The Zionist set out to obliterate all opposition and they did not concede one point to their opponents. They claimed that they were in perfect conformity with the law and at the same time were bringing untold benefits to both the Jews and the Arabs. Anybody who was against them simply was acting out of selfish concern and was not aware of the bright future the Jewish state would bring.

While ran the argument, also ran the fact. The purpose of the argument was to permit the Zionists to work for their state in Palestine and this they did.
Increasing number of Jewish settlers came to the country and the Jews gained control of increasing area of land. When the Arab – Israeli war broke out the Zionists were well enough entrenched to defeat both the Palestinian Arabs and the several Arab armies. The community existed and could not be denied. When Dr. Weizmann introduced the argument of the fait accompli, for the first time the Zionist argument was in accord with the actual facts in Palestine.
BIBLIOGRAPHY

Ahad Ha'Am, Asher Ginsberg, Selected Essays, translated by Leon Simon, Jewish Publication Society of America, Philadelphia, 1912.


Simon, Leon, Ahad Ha'Am, The Zionist Federation of Great Britain and Ireland.


Weizmann, Chaim, The Jewish People and Palestine, Palestine Publishing Co. Ltd., Tel Aviv, 1936.


Memorandum Submitted to the Palestine Royal Commission, Jewish Agency for Palestine, London, 1936.

*Historical Connection of the Jewish People with Palestine*, Jewish Agency for Palestine, Jerusalem, 1936.


The Jewish Case Against the Palestine White Paper, Jewish Agency for Palestine, London, 1939.

Public Hearings before the Anglo-American Committee of Inquiry, Jerusalem, 1946. (typescript)

*Report of the Anglo-American Committee of Inquiry*, 1946. (typescript)

The Political History of Palestine Under British Administration, British Information Services, New York, 1947.


Observation of the Supplementary Memoranda by the Government of Palestine, Jewish Agency for Palestine, Jerusalem, 1947.

The Jewish Plan for Palestine, the Jewish Agency for Palestine, Jerusalem, 1947.


The Palestine Economy, Jewish Agency for Palestine, Jerusalem, 1946.


The Establishment in Palestine of the Jewish National Home 1925 - 1939, Jewish Agency for Palestine, 1939.

The Establishment in Palestine of the Jewish National Home, Jewish Agency for Palestine (5 years).