

AMERICAN UNIVERSITY OF BEIRUT

BRITISH POLICY TOWARDS SELF-GOVERNING
INSTITUTIONS IN MANDATORY PALESTINE: THE
QUESTION OF THE LEGISLATIVE COUNCIL, 1932-1936

By

GEORGE BURNETT

A thesis
submitted in partial fulfillment of the requirements
for the degree of Master of Arts
to the Centre for Arab and Middle Eastern Studies
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at the American University of Beirut

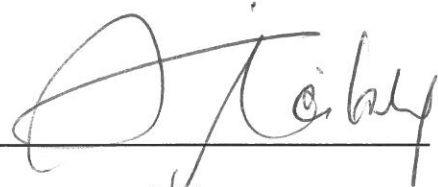
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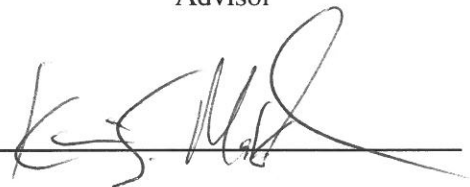
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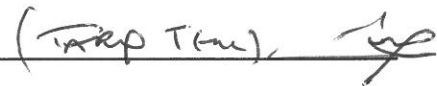
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This thesis is dedicated to my friends Shiv and Tatiana, at whose memorable wedding the work was successfully defended; and to the memory of Austin Coyle, a former teacher at Brummana High School and a fan of all things Palestinian. I would so have loved to have heard his thoughts on this work, insightful as they undoubtedly would have been.

AN ABSTRACT OF THE THESIS OF

George Burnett for Master of Arts
Major: Middle Eastern Studies

Title: British Policy Towards Self-Governing Institutions in Mandatory Palestine: The Question of the Legislative Council, 1932-1936

This thesis is concerned with the manner in which the British authorities approached the obligation to develop a Legislative Council in Mandatory Palestine between 1932 and 1936, as stipulated by the terms of the Passfield White Paper of October 1930. It makes extensive use of British government sources to discover how the obligation was interpreted by the British Palestine policy making community during this period. In doing so, this thesis aims to fill a gap in the existing literature relating to the political history of Mandatory Palestine. It is argued that, in the eyes of senior policy makers, the Legislative Council, which was originally interpreted as a disruptive measure destined to further aggravate already tense relations between the country's Arab and Jewish populations, was eventually reformulated in the context of growing Arab anti-Mandatory agitation as a potential political asset, capable of restoring Arab faith in the Mandate system and warding off the prospect of all out rebellion. However, HMG was ultimately denied freedom of action to proceed with the desired constitutional reform by the rapid mobilization of opposition sympathetic to the Zionist cause within the British Parliament which prompted them to temporarily suspend the advancement of the scheme in the period immediately preceding the outbreak of the Arab Revolt.

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INTRODUCTION

Between the establishment of the Civil Administration in Jerusalem in 1920 and the eventual outbreak of the Arab Revolt in April/May 1936, the British, in their position as Mandatory power, led efforts to unite the Arabs and Jews of Palestine in a single political community with national self-governing institutions, an obligation dictated by the terms of Article 2 of the Mandate for Palestine.¹ According to these terms, Palestinian self-government was to be developed by the British whilst simultaneously supporting the establishment in the country of a National Home for the Jewish people, a concept that was unprecedented in international law and ambiguously defined by its proponents. Attempts to establish self-governing institutions acceptable to the Palestinian population as a whole were complicated by the mutually antagonistic visions for the political future of the country espoused by the Arab and Jewish nationalist (Zionist) leaderships. Whereas the former sought a form of representative government that afforded them, by virtue of their overwhelming demographic majority, a decisive amount of political power relative to the Jewish minority (which was widely perceived as being intent on their political, economic and cultural dispossession), the latter refused to accept any political settlement that might impinge upon the development of the Jewish National Home by limiting Jewish land purchase and mass

¹ Cmd 1785, 1923, *League of Nations Mandate for Palestine, Together with a Note by the Secretary-General Relating to its Application to the Territory Known as Trans-Jordan, Under the Provisions of Article 25* – Article 2 read, “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, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.”

immigration into the country. It was the role of the British to encourage compromise between the two communities in order to fulfil their Mandatory obligation.

British efforts to establish self-government, which soon crystallised around the concept of a partially elected Legislative Council, occurred fitfully from 1920 but were eventually checked by the outbreak in mid-1936 of widespread Arab violence and non-cooperation with the Mandatory authorities. In July 1937 the Palestine Royal Commission – known eponymously after its Chairman Earl Peel - published a four hundred page assessment of the political, economic and social situation in Mandatory Palestine which amounted to a damning critique of British efforts to promote political cooperation: “an irrepressible conflict has arisen between two national communities within the narrow bounds of one small country” and that “there is no common ground between them.”² “To maintain that Palestinian citizenship has any moral meaning,” the report continued, “is a mischievous pretence. Neither Arab nor Jew has any sense of service to a single state.” As a political solution to the dilemma they had identified the Commission advocated the dissolution of the British Mandate for Palestine and the partition of the country into two separate states, one Jewish and one Arab. In Cabinet meetings held on June 30th and July 5th Prime Minister Neville Chamberlain and his government expressed their contentment with the partition plan before publicly endorsing the recommendations of the Commission.³

Although the decision to endorse partition was publicly revoked in November 1938, the outbreak of war the following year ensured that any further attempts to develop constitutional government were suspended for the duration of the conflict, a

² Cmd 5479, 1937, *Report of the Royal Commission*, 370

³ T.G. Fraser, “A Crisis of Leadership: Weizmann and the Zionist Reactions to the Peel Commission’s Proposals, 1937-8,” *Journal of Contemporary History*, Vol. 23, No. 4 (Oct., 1988) 668

situation that then persisted until the expiration of the Mandate in May 1948. As one of only two British dependencies never to have developed electoral institutions, the historian D. K. Fieldhouse has suggested that Palestine might reasonably be considered “the greatest failure in the whole history of British Imperial rule.”⁴ It is the purpose of this study to attempt to throw light on an important but thus far under-researched chapter in the history of the Palestine Mandate in an effort to disclose how it was that the British approached their obligation to establish self-governing institutions.

A. Literature Review and Problem Statement

Although technically bound by the terms of the Mandate, the ambiguity of Article 2, which entirely failed to define the concept of the Jewish National Home or the precise nature of the self-governing institutions that were to be developed, provided the British, through the power invested in them by the League of Nations, with sufficient room to develop their own interpretations of each of these obligations. The process by which the British came to conceive of their obligation to establish self-governing institutions has been the subject of multiple, far-reaching studies. However, it is this author’s contention that shortcomings in the existing literature leave us with an incomplete understanding of the manner in which the British developed and subsequently enacted relevant policy during an important part of the pre-Revolt era.

Whereas the evolution of British policy towards the establishment of Palestinian self-governing institutions during the period 1920-1931 has been the subject of

⁴ David Fieldhouse, *Western Imperialism in the Middle East* (Oxford: Oxford University Press, 2006) 151

sufficient if not exhaustive scholarship by historians such as Sahar Huneidi,⁵ Michael Cohen,⁶ Bernard Wasserstein⁷ and Gabriel Sheffer,⁸ the same cannot be said for the period 1932-36 which has suffered from a relative lack of academic attention. Given the fact that HMG formally restated in October 1930 its pledge to establish a Palestinian Legislative Council “without further delay”⁹ it is noteworthy that there is, to the best of this author’s knowledge, no single study that assesses in detail how the British went about trying to honour that pledge over the course of the following months and years.

Of the small amount of literature that touches on this subject two texts stand out as being of particular value; the second volume of Yehoshua Porath’s study on the emergence of the Palestinian Arab national movement;¹⁰ and Norman Rose’s *The Gentile Zionists*,¹¹ which examines the evolution of Anglo-Zionist diplomacy during the Mandate period. Both studies refer in detail to the development of the Legislative Council negotiations, focussing primarily on the evolving Arab and Zionist attitudes towards the Council, respectively. As a result, these texts inevitably contain valuable insights into pertinent Anglo-Arab and Anglo-Zionist discussions over the Council and must therefore be considered valuable resources. However, as neither assesses in sufficient detail the motivations and factors driving the evolution of British Legislative Council policy, both must be considered insufficient for a study of this nature.

⁵ Sahar Huneidi, *A Broken Trust: Herbert Samuel, Zionism and the Palestinians* (London: IB Tauris, 2001)

⁶ Michael J. Cohen, *Churchill and the Jews* (London: Frank Cass, 2003)

⁷ Bernard Wasserstein, “Herbert Samuel and the Palestine Problem” *The English Historical Review* Vol. 91, No. 391 (October 1976) and Wasserstein, *The British in Palestine* (Oxford: Blackwell, 1991)

⁸ Gabriel Sheffer, “Intentions and Results of British Policy in Palestine: Passfield’s White Paper,” *Middle Eastern Studies*, Vol.9, No. 1 (January 1973)

⁹ Cmd 3692, 1930 - *Statement of Policy by His Majesty’s Government in the United Kingdom* (The Passfield White Paper)

¹⁰ Yehoshua Porath, *The Palestinian Arab National Movement 1929-1939, Volume 2* (London: Frank Cass, 1977)

¹¹ Norman Rose, *The Gentile Zionists: A Study in Anglo-Zionist Diplomacy* (London: Frank Cass, 1973)

Other texts such as W. F. Abboushi's *The Unmaking of Palestine*,¹² Neil Caplan's *Futile Diplomacy*¹³ and Hadawi and John's *Palestine Diary*¹⁴ all allude to the fact that British discussions over the establishment of the Legislative Council took place during this period but they do so in a manner that is sufficiently superficial so as to provide little insight into the complexities and nuances of the process. Although the lack of academic attention this subject has received should not be overstated, a strong argument may be made that the existing literature leaves room for a detailed investigation of the evolution of the British approach to the Legislative Council proposals during this period.

B. Research Area and Methodology

In response to the gap in the literature highlighted above, the purpose of this study is to present a detailed analysis of the manner in which the British approached the recently restated obligation of October 1930 to establish a Palestinian Legislative Council, focussing on the developments of the period 1932-1936 and including an examination of the reasons for the apparent collapse of negotiations around the time of the outbreak of the Arab Revolt.

Drawing on unpublished primary sources as well as relevant secondary literature this study uses an empirical and discursive approach to investigate the above mentioned research area. As a focussed investigation into the development of *British* policy towards the Legislative Council this study relies primarily on sources emanating from

¹² W. F. Abboushi, *The Unmaking of Palestine* (Cambridge: Middle East and North African Studies Press Ltd., 1985)

¹³ N. Caplan, *Futile Diplomacy: Arab-Zionist Negotiations and the End of the Mandate, Volume II* (London: Frank Cass, 1986)

¹⁴ Robert John, Sami Hadawi, *The Palestine Diary* (NY: New World Press, 1970)

within the British Palestine policy making community, namely the records of the Cabinet Office and the Colonial Office.

This study is divided into five chapters. The first provides an introductory summary of British policy towards the development of Palestinian self-governing institutions from the time of the inception of the Civil Administration in 1920 until the issuance of Prime Minister Ramsay MacDonald's so-called 'Black Letter' in January 1931. The following four chapters each assess what are considered to be distinct phases in the evolution of British attempts to realise the establishment of the Legislative Council between 1932 and 1936.

CHAPTER ONE: A SUMMARY OF BRITISH POLICY TOWARDS SELF-GOVERNING INSTITUTIONS, 1920-1930

In October 1930 His Majesty's Government (hereafter HMG) issued within the terms of the Passfield White Paper a command ordering that "a measure of self-government must, in the interests of the [Palestinian] community as a whole, be taken in hand without further delay,"¹⁵ and that the proposed policy was to develop a Legislative Council "generally on the lines indicated in the statement of policy issued by Mr Churchill in June 1922." The identical nature of the proposals for constitutional government presented by the British to the population of Palestine in both the Churchill White Paper of 1922 and the Passfield White Paper of 1930 is indicative of the fact that the British strategy for reconciling the so-called dual obligation to support the development of the Jewish National Home (hereafter JNH) whilst developing self-governing institutions for the country¹⁶ remained largely constant during this period.

This strategy, which was developed prior to the approval of the Mandate in August 1922 by policy makers motivated by a desire to formalise the British commitment to uphold the Balfour Declaration in a political atmosphere of intense anti-Zionist Arab agitation, sought to conciliate the restive Arab majority by establishing Palestine as a unified Arab-Jewish political community with a representative legislature

¹⁵ Cmd 3692, 1930, *Statement of Policy by His Majesty's Government in the United Kingdom*

¹⁶Cmd 1785, 1923, *League of Nations. Mandate for Palestine, Together with a Note by the Secretary-General Relating to its Application to the Territory Known as Trans-Jordan, Under the Provisions of Article 25.* - The terms of Article 2 of the Palestine Mandate read, "[HMG] shall be responsible for placing Palestine under such political, administrative and economic conditions as will secure the establishment of a Jewish National Home, as laid down in the preamble, and the development of self-governing institutions..."

with restricted powers designed to protect the JNH from legislation deemed inimical to its development. The initial rejection of this formula by the Arab population in 1922 and 1923,¹⁷ combined with sustained opposition to Zionism, which initially subsided following the approval of the Mandate before exploding in the form of the August 1929 riots, prompted the British to subsequently enact several policy alterations in an attempt to stave off further instability. However, as Sheffer notes, these initiatives, which included stricter limitations on Jewish immigration and land purchase, amounted only to “tactical manoeuvring”¹⁸ on the part of the Mandatory whilst the framework for constitutional government established in 1922 remained unchanged.

By 1930 important British figures within the Jerusalem-based Palestine Administration had voiced the opinion that the 1922 formula would inevitably fail to resolve an Arab-Jewish conflict that was evidently nationalist in character.¹⁹ Despite British appeals for moderation by both sides, the Zionist ambition for Jewish statehood in Palestine was clear and it was opposed by a Palestinian Arab nationalist movement that was unified by its anti-Zionism. As a result, they argued, both communities had come to see the question of self-government as a zero-sum game and neither was willing to accept the

¹⁷ Bernard Wasserstein, *The British in Palestine* (Oxford: Blackwell, 1991) 121 - Following the approval of the Palestine Mandate by the League of Nations in August 1922 HMG promulgated an Order-in-Council providing for the establishment of the above mentioned Legislative Council. The Order-in-Council was rejected by the Arab population who enacted a successful boycott of the elections in February and March 1923, prompting then High Commissioner Herbert Samuel to abandon the scheme.

¹⁸ Gabriel Sheffer, “Images of Arabs and Jews as a Factor in British policy towards Palestine” *Studies in Zionism: Politics, Security, Culture*, Vol. 1, No. 1, 105

¹⁹ Evyatar Friesel, “Through a Particular Lens: Zionism and Palestine in British Diaries, 1927-1931,” *Middle Eastern Studies*, Vol 29, No. 3 (July 1993) 427 - Individuals such as Archer Cust (Private Secretary to the High Commissioner), Stewart Perowne (Dept. of Education) and Ernest Richmond (Dept. of Antiquities) openly supported the Arab cause, with Richmond unequivocal in his belief that continued British support for Zionism would inevitably require the unacceptable option of violence against the Arab majority

idea of a “binational state” as posited by Palestine’s Attorney General Norman Bentwich.²⁰

Given this fact, how can the preservation of the *status quo* be explained? First, it should be acknowledged that the sceptical view mentioned above was held only by a minority. As Wasserstein has argued, there remained in the Palestine policy making community, which consisted of Cabinet, Colonial Office and Palestine Administration officials, “a widespread delusion as to the essential nature of the Arab-Jewish conflict and a general misapprehension of the real characters of the two contending political movements.”²¹ This was particularly true in Whitehall and Westminster (which, ultimately, had the final say in Palestine policy), where belief in the theoretical practicability of Arab-Jewish political cooperation was not challenged to the same extent that it was for those ‘on the spot.’ Inaccurate portrayals by Zionists and their supporters in London of Jewish statehood as the manifesto of ‘extremist elements’ and Arab non-cooperation as a notable-driven and therefore surmountable obstacle were allowed to circulate largely unchallenged.²² Even though many of the initial architects of the British commitment in Palestine were no longer in office by 1930, British politics remained replete with individuals willing to endorse this interpretation of the situation in Palestine and argue that Palestine remained unfit for genuine self-government.²³

²⁰ John Strawson, “Mandate Ways: Self-Determination in Palestine and the “Existing Non-Jewish Communities.”” in *Palestine and International Law: Essays on politics and Economics* ed. Sanford R. Silverburg (Jefferson, NC: McFarland and Co, 2002) 258

²¹ Wasserstein, *The British in Palestine*, 239

²² Wasserstein, *The British in Palestine*, 240

²³ Yehoshua Porath, *The Palestinian Arab National Movement 1929-1939, Volume 1* (London: Frank Cass, 1974) 273

Whilst the Zionists developed effective cross-party lobbying networks in London, very few individuals appeared willing to inform HMG of the Arab perspective.²⁴

Second, it is clear that there were genuine concerns within several Whitehall ministries regarding the implications for British strategic and economic interests should substantial changes be made to the terms of the Mandate. Incentives to preserve Britain's privileged position in a territory that offered strategic depth to the east bank of the Suez Canal, potential access to deep water ports in the eastern Mediterranean, and overland access from the Mediterranean to the Persian Gulf and to British India via Persia and the oil-rich Mesopotamia were understandably strong.²⁵ These incentives were supported by concerns over the potential embarrassment of a Great Power going cap-in-hand to the League of Nations requesting that changes be made to the terms of the Mandate.²⁶ To this it must also be added that the inherent conservatism of the British political tradition encouraged that precedents, once established, "were best followed as closely as possible, nose to the ground."²⁷

Refusing to withdraw permanently the privileged position of the Jews under the terms of the Mandate, HMG persisted between 1922 and 1930 with a policy of what it perceived to be interest balancing between the Arab and Jewish communities. However, by 1930 the conditions in Palestine were such so as to make the pursuit of this policy far more difficult than it had appeared during the relatively 'depoliticised' years of the mid-

²⁴ Robert John, Sami Hadawi, *The Palestine Diary* (New York, NY: New World Press, 1970) 205 – Writing in her diary, Lord Passfield's wife, Beatrice Webb noted that whilst numerous Zionist political representatives visited her husband, "not even a casual admirer of the Arabs appeared on the scene."

²⁵ Lawrence Pratt "The Strategic Context: British Policy in the Mediterranean and the Middle East, 1936-1939" in *The Great Powers in the Middle East 1919-1939*, Uriel Dann ed.(New York: Holmes and Meier, 1988) 20

²⁶ Gabriel Sheffer, "Intentions and Results of British Policy in Palestine: Passfield's White Paper," *Middle Eastern Studies*, Vol.9, No. 1 (January 1973) 45

²⁷ Hadawi and John, *The Palestine Diary*, 229

1920s. The violence of 1929 and the subsequent vacillation in British policy relating to the White Paper that had occurred as a result of the issuance of Prime Minister Ramsay MacDonald's 'Black Letter'²⁸ had resulted in the emergence of unprecedented levels of inter-communal distrust and general distrust of the Mandatory by the Palestinian population as a whole. The moderate trend in Palestinian Arab politics that had emerged during the mid-1920s and had appeared willing to accept limited self-government subject to restrictions had been critically undermined by this development. Furthermore, for those who argued that an Arab-Jewish political community could be achieved through the building up of inter-communal cooperation and trust, the ironic truth was that, in pursuit of stability, the British had overseen during the 1920s the establishment of political structures such as the Supreme Muslim Council and the *Va'ad Leumi* that had contributed to an overt segregation of the country along communal lines rather than encouraging genuine political integration;²⁹ a phenomenon that Wasserstein has argued amounted to the "internal partition" of the country.³⁰ The combined result of these factors was to create a highly polarised society in which ideals of compromise and moderation were found wanting.

Yet, in the final analysis, moderation and compromise were the precise factors that the British demanded from the Palestinian population in their pledge to establish the

²⁸ Norman Rose, *A Senseless, Squalid War* (London: Pimlico, 2010) 36 – Rose argues that the letter issued to Chaim Weizmann by MacDonald in January 1931 did not entirely abrogate the terms of the Passfield White Paper, which had been interpreted amongst the Zionists as highly detrimental to the prospects of the JNH, but that "its style and substance modified it to a degree that rendered it virtually meaningless."

²⁹ The only mixed administrative bodies that developed during this period were the Municipal Councils. For an assessment of the limited positive impact of the Municipal Councils in shaping inter-communal relations, see Tamir Gore, "Cooperation is the Guiding Principle": Jews and Arabs in the Haifa Municipality during the British Mandate," *Israel Studies*, Vol. 11, No. 3 (Fall 2006) 108-141

³⁰ Wasserstein, *The British in Palestine*, 239

Legislative Council. Having written to his son that only “God in heaven”³¹ would be capable of managing the competing Arab and Jewish agendas, John Chancellor, who had served as High Commissioner for Palestine and Transjordan from 1929 and had agitated for far reaching reforms designed to satisfy the political ambitions of the Arab majority,³² was replaced in November 1931. It would be the task of his successor, Sir Arthur Wauchope, to attempt to fulfil the commitment to establish self-governing institutions in Palestine.

³¹ Tom Segev, *One Palestine, Complete* (New York: Metropolitan Books, 2000) 341

³² CAB 24/211 – C.P. 108 (30) – entd. ‘Palestine: High Commissioner’s Views on Policy’ (March 1930)

CHAPTER TWO: MARCH-NOVEMBER 1932

This chapter assesses the manner in which British officials tackled the recently restated obligation to establish a Palestinian Legislative Council in a climate of unprecedented inter-communal distrust. The chapter begins by explaining how new appointments to senior positions throughout the Palestine policy making community in the autumn of 1931 contributed to the temporary suspension of negotiations over the Legislative Council in order to proceed instead with misplaced efforts to improve the state of Arab-Jewish-British relations as a precursor to future discussions over constitutional government. The chapter explains how this strategy, which was proposed by new High Commissioner Sir Arthur Wauchope, was found wanting almost immediately when the emergence of a popular Arab independence party advocating non-cooperation with the Zionists and Mandatory authorities presented a challenge to the traditional Arab political leadership and the Mandatory framework during the summer of 1932. It is argued that the subsequent decision in November 1932 by Wauchope and the Colonial Office to recommence negotiations with Arab and Jewish leaders over the establishment of a Legislative Council represented a strategic decision on the part of the British designed to undermine this rejectionist trend in Arab politics by restating their willingness to fulfil both sides of the dual obligation. The complete British failure to encourage any form of political cooperation between the two communities during 1932 ensured that subsequent negotiations over the powers and composition of the council took place in a non-conciliatory atmosphere.

A. The Appointment of Wauchope and Cunliffe-Lister, November 1931

Between October and November 1931 new figures were appointed to head the Colonial Office and the Palestine Administration in Jerusalem. Combined with the appointment of several new Cabinet members, the cumulative effect of this change in personnel was to unite all three levels of the British Palestine policy making community (Cabinet, Colonial Office and Palestine Administration) in continued support for the gradual expansion of the JNH, thereby ending the schism that had emerged between London and Jerusalem during the final years of Sir John Chancellor's tenure over the feasibility of the continuation of the Zionist programme in Palestine.

The General Election of October 1931 returned a Conservative landslide and a victory for Ramsay MacDonald's National Government. MacDonald, who had been expelled from the Labour Party following his defection in August, formed a new Cabinet that was dominated by Tories under the leadership of Stanley Baldwin.³³ Of the twenty or so Cabinet members appointed in November, several were sympathetic towards and supportive of the continued expansion of the JNH. MacDonald himself had been instrumental in overturning those provisions of the Passfield White paper that had been considered hostile to the JNH. As well as being a close friend of Chaim Weizmann, MacDonald's socialism led him to support Zionism as a movement that he felt would lead to the emancipation of the Arab peasant class (*fellahin*) from what he deemed a patriarchal and exploitative land owning *effendi* class.³⁴ Aside from the Prime Minister, the Second National Government also contained Herbert Samuel (Home

³³ Martin Pugh, *The Making of Modern British Politics*, 2nd Edition (London: Wiley-Blackwell, 1993) 259

³⁴ MacDonald's views regarding Zionism can be found in James Ramsay MacDonald, *A Socialist in Palestine* (London: Poale Zion, 1922)

Secretary), William Ormsby-Gore³⁵ (First Commissioner of Works), Stanley Baldwin (Lord President), Viscount Hailsham (Secretary of State for War) and Archibald Sinclair (Secretary of State for Scotland); a member of the notorious League of the Seventh Dominion.³⁶ Not one single vocal critic of the trajectory of British Palestine policy joined the new government.

In November 1931 Philip Cunliffe-Lister (later Lord Swinton) was appointed as Secretary of State for the Colonies. An experienced Conservative politician who had already accumulated six years of ministerial experience by his mid-forties, Cunliffe-Lister had only returned to politics earlier in 1931 following a period serving on the Board of Consolidated Tin Smelters.³⁷ As one of only four Tories to have served in MacDonald's first National Government, Cunliffe-Lister was a shoo-in for a Cabinet position in the Second Ministry. He took up his position as head of the Colonial Office on 5th November.

There is little to suggest that Cunliffe-Lister held particularly well developed opinions on Zionism or the political future of Palestine in general at the time of his appointment. He certainly lacked the *bona fide* Zionist credentials of Leopold Amery, for example, who had held the post between 1924 and 1929.³⁸ The new Colonial Secretary's approach to Palestine appears to have derived principally from his economic policy. As HMG moved towards extreme austerity in the wake of the August 1931

³⁵ Ormsby –Gore assisted the Zionist delegation in drafting the terms of the Mandate for Palestine, see Malcolm Yapp "The Making of the Palestine Mandate" in *Middle Eastern Lecture, No.1* ed. Martin Kramer (Tel Aviv: The Moshe Dayan Center for Middle Eastern Affairs and African Studies, 1995) 19

³⁶ The League of the Seventh Dominion, established by Josiah Wedgwood MP in the late 1920s, supported the idea of the establishment of Palestine as a British imperial dominion under Jewish political control. For a description of the origins and activity of the League of the Seventh Dominion see Norman Rose, "The Seventh Dominion," *The Historical Journal*, Vol. 14, No. 2 (June 1971) 397-416

³⁷ J. A. Cross, *Lord Swinton* (Oxford: Clarendon Press, 1982) 92

³⁸ For a critical assessment of Amery's Zionist credentials, see William Rubinstein, "The Secret of Leopold Amery," *Historical Research*, Vol. 73, no. 181 (June 2000)

banking crisis, Cunliffe-Lister came to support the liberalisation of the economies of British dependencies as a way of alleviating the financial burden of empire on HMG.³⁹ In the case of Palestine, where Zionist capital flows into the country had long been considered a substitute for direct British investment, he came to support the gradual expansion of the JNH via the relaxing of restrictions on Jewish immigration and land purchase as a way of encouraging further Jewish investment.⁴⁰ His support for Zionism should, therefore, be seen as more pragmatic than ideological and it is unclear how he envisaged the ultimate fruition of the JNH.

Cunliffe-Lister came to his new position during a time of transition in the Palestine policy making community. Sir John Chancellor, whose initiatives and efforts during his tenure as High Commissioner had caused great embarrassment to HMG by contributing to the January 1931 *volte face* that came to be known as the ‘Black Letter’, was replaced in November 1931 by Sir Arthur Grenfell Wauchope.⁴¹ Having learned from the Chancellor debacle, MacDonald personally oversaw the selection process, ensuring that the new appointee would be supportive of the pro-Zionists policy that he himself had laid out in his letter to Chaim Weizmann of January 1931. The Prime Minister even consulted Weizmann to ensure that the selection met with the approval of the Zionists.⁴² Unlike his predecessor, Wauchope lacked experience in colonial administration, his background being purely military. Given the uncertain security

³⁹ Cross, *Lord Swinton*, 111

⁴⁰ Gabriel Sheffer, “Palestine in the 1930s” in Uriel Dann ed. *The Great Powers and the Middle East* (New York: Holmes and Meier, 1988) 122

⁴¹ Rose, *The Gentile Zionists*, 53 - (Pron: Waugh-cup) - Following his death in 1947 Wauchope’s personal papers were destroyed in line with his wishes. Whereas John Chancellor’s personal correspondence has helped historians such as Tom Segev better understand the mentality of the High Commissioner, in the case of Wauchope historians are limited to his formal correspondence with the staff of the Colonial Office and a few other records such as the small (and largely irrelevant) exchange of letters with the military historian Basil Liddell-Hart.

⁴² W. F. Abboushi, *The Unmaking of Palestine* (Cambridge: Middle East and North African Studies Press, Ltd, 1985) 74

situation that existed in Palestine around the time of Wauchope's appointment it is likely that his experience in anti-terrorism gained commanding forces in Northern Ireland contributed to his selection as High Commissioner.⁴³ More importantly, Wauchope was a known supporter of Zionism. On this subject he wrote – “I am a whole-hearted believer in the success of the [Jewish] National Home. I have the deepest sympathy not only with the Jews who settle in Palestine, but also with the ideals that inspire them.”⁴⁴

Establishing a precise understanding of Wauchope's personal opinions regarding Zionism in particular and the politics of Palestine more generally is difficult as his personal papers were destroyed in line with his wishes following his death in 1947. Sheffer has argued that Wauchope envisaged Palestine developing into a binational state “for more or less equal communities” of Arabs and Jews.⁴⁵ Publicly, Wauchope was very critical of those Zionists who spoke openly of Jewish statehood and he rejected any suggestion that Arabs and Jews were destined never to cooperate in the administration of the country.⁴⁶ Much as Palestine's first High Commissioner, Herbert Samuel had done, Wauchope defined his role as trying to “unite the two peoples and get them to work together,”⁴⁷ highlighting the work of groups such as the Palestine Jewish Colonisation Association (PICA) as an example of the potential for melding a single Palestinian civil society.⁴⁸ Like Samuel, Wauchope originally downplayed Arab political aspirations for independence and self-government, arguing that material

⁴³ Hyamson, *Palestine Under the Mandate, 1920-1948* (London: Meuthen & co. 1958) 129 and Segev, *One Palestine, Complete*, 346

⁴⁴ Segev, *One Palestine, Complete*, 380

⁴⁵ Sheffer, “Palestine in the 1930s” 19

⁴⁶ CO 733/219/4 – Wauchope to Cunliffe-Lister 16/9/1932

⁴⁷ C733/219/4 - Wauchope to Cunliffe-Lister 16/9/1932

⁴⁸ C733/219/4 - Wauchope to Cunliffe-Lister 16/9/1932

prosperity was the most effective way to reconcile them to the JNH.⁴⁹ He used personal charm and generous hospitality at Government House in Jerusalem to develop what he perceived to be strong personal relationships with Arab and Zionist political leaders. What comes through most strongly from Wauchope's exchanges with British officials in London throughout the 1932-1936 period is his apparently genuine belief in the potential for peaceful coexistence between the Arab and Jewish populations without compromising the expansion of the JNH.

Both the High Commissioner and the Colonial Secretary took charge of staffs that were, almost to a man, more experienced in Palestinian affairs than they themselves were. In dealing with these staff the two men used noticeably different management styles. Wauchope was widely regarded as having authoritarian tendencies⁵⁰ and although he regularly listened to the advice of those whose opinions he valued, he gave short shrift to expressions of dissent from his staff and "severely reprimanded" those who disagreed with him during sessions of the Advisory Council.⁵¹ Dissenting opinions such as those of Lionel Archer-Cust and Ernest Richmond rarely found their way to Whitehall as the new High Commissioner exerted tight control over official channels of communication between Jerusalem and the Colonial Office.⁵² Unlike Wauchope, Cunliffe-Lister operated a less strictly hierarchical style of management.⁵³ Decisions pertaining to Palestine policy were regularly reached following consultation with the staff of the Colonial Office's Middle East department, some of whom e.g. John

⁴⁹ Edward Keith-Roach, *Pasha of Jerusalem: Memoirs of a District Commissioner under the British Mandate*, (London: The Radcliffe Press, 1994) 131

⁵⁰ Susan Silsby-Boyle, *Betrayal of Palestine: The Story of George Antonius* (Oxford: Westview Press, 2001) 195

⁵¹ Keith-Roach, *Pasha of Jerusalem*, 132

⁵² Gabriel Sheffer, "British Colonial Policy-Making towards Palestine (1929-1939)" *Middle Eastern Studies*, Vol. 14, No. 3 (October 1978) 309

⁵³ Evidence of this consultative style can be found throughout the internal Colonial Office memos from CO 733 series 1931-1935

Shuckburgh, John Maffey, H. F. Downie, O. R. G. Williams and Cosmo Parkinson were vastly more experienced than the Colonial Secretary and who seemed at first to support the continuation of the current trajectory of British Mandatory policy in Palestine.

B. Addressing the Question of the Legislative Council, March 1932

By 1932 the constitutional situation in Palestine had progressed little since the Mandate's approval by the League of Nations a decade earlier. The High Commissioner retained absolute executive and legislative authority and only minor devolutions of power had been afforded to local and municipal councils. In his executive capacity the High Commissioner served in conjunction with an Executive Council which was made up entirely of British officials.⁵⁴ This council consisted of the Administration's Chief Secretary, Attorney General, Treasurer, and Director of Development. In conjunction with the High Commissioner this council acted upon Orders-in-Council and Letters Patent dispatched from London. In his Legislative capacity the High Commissioner usually consulted with an Advisory Council. The Advisory Council was also made up entirely of nominated official members. Legislation that was deemed to concern Palestine's Jewish community was also discussed with the consultative Jewish Agency. Non-official representation was limited to those bodies such as the *Va'ad Leumi*⁵⁵ and the Supreme Muslim Council (hereafter SMC) which served as the elected representatives of their respective communities although neither enjoyed executive or legislative authority at the national level. A handful of Palestinian citizens were also appointed to positions on consultative committees such as the

⁵⁴ S. D. Myres, "Some Aspects of the Mandate for Palestine," *Annals of the American Academy of Political and Social Science*, Vol. 164, Palestine: A Decade of Development (November 1932) 4

⁵⁵ Y. N. Miller, *Government and Society in Rural Palestine, 1920-1948*, (TX: UTA Press, 1985) 9 – The *Va'ad Leumi* was a democratically elected chamber established in 1920 to serve as a representative political institution for the entire Jewish community in Palestine (*Yishuv*).

General Agricultural Council.⁵⁶ Despite the clear pledge made in the Passfield White Paper that the question of self-government “must be taken in hand without delay” it was not until five months into their respective tenures that Wauchope and Cunliffe-Lister turned their attentions to the question of the Legislative Council. Neither, it is fair to say, approached the matter with great enthusiasm.

In March 1932 the Secretary of State for the Colonies produced a memorandum for Cabinet in which he outlined his position on the British obligation to establish a Legislative Council.⁵⁷ It is clear that Cunliffe-Lister was troubled by the obligation to establish a council in the present circumstances, an obligation that he believed would inevitably “accentuate rather than diminish friction between the Jews and the Arabs.” His analysis derived from the correct assumption that the moderate Arab position that had emerged in 1929 had transformed into one of “non-cooperation with the Administration” following the publication of MacDonald’s letter to Weizmann in January of the previous year and that the Arabs would most likely demand full self-government as a result - an option Cunliffe-Lister deemed “completely incompatible without our Mandatory obligations.” At the same time he believed that the Jews would remain opposed to the Legislative Council so long as they were afforded only a minority position on it. Given the seemingly unbridgeable gap between the two positions he admitted that, if given the choice, he would rather ignore the question of the council altogether but, with numerous pledges having been made to establish a “a measure of self-government compatible with the terms of the Mandate,” HMG could not afford to remain “entirely passive” on the subject.

⁵⁶ General Agricultural Council (est. 1930) consisted of official elements as well as representatives of the Arab, Jewish and German farming communities, the Salesian fathers, the Hebrew university, the Palestine Jewish Colonisation Association, and the Executive of the Jewish agency.

⁵⁷ CO 733/219/4 – Memorandum for Cabinet by Cunliffe-Lister – 23/3/1932

A letter from Wauchope to the Colonial Office at the end of March 1932 demonstrated that the High Commissioner largely agreed with the analysis of his Secretary of State. His assessment was simple: “it is not good for the country to offer to establish a Legislative Council at present.”⁵⁸ Wauchope believed that the distance between Jewish and Arab positions concerning the council derived from misunderstandings of the political ambitions of the other community; in the case of the Jews he believed that their opposition stemmed from the belief that the Arabs intended to use the council to slow or stop the development of the JNH; and Wauchope interpreted the Arab demand for full self-government as evidence of a fear that anything less would result in their eventual political and material dispossession by the Jews. Such misperceptions – as he perceived them – could be set right but the process would take time. As a result, he proposed that HMG suspend further discussion of the Legislative Council for one and a half years, during which time HMG should seek to “increase the share of the people in government,” thereby bringing the two communities into greater cooperation, with the Mandatory and with each other, in the hope that “both sides will be more reasonable in say one year or eighteen months and that agreement on a form of [Legislative] Council will then be possible.”⁵⁹

In order to achieve this Wauchope proposed four policies. First, the admitting of Arabs and Jews to advisory boards as a way of furthering inter-communal cooperation and “enlarging their responsibilities in administration.”⁶⁰ Second, the appointment of a number of Palestinian citizens to a nominated and consultative Advisory Council as a way of “lessening the distance that...separates the government from the representatives

⁵⁸ CO 733/219/4 - Wauchope to Sir Samuel Wilson, 26/3/1932

⁵⁹ CO 733/219/4 - Report of the Cabinet Committee on Palestine 11/4/1932 – Annex: Wauchope to Cunliffe-Lister 8/4/1932

⁶⁰ CO 733/219/4 - Wauchope to Sir Samuel Wilson, 26/3/1932

of the people.” Third, the development of a new local government ordinance in order to permit the people “to take a greater share in the administration of local affairs.” Fourth, the holding of elections for the Supreme Muslim Council as a way of establishing “good feeling between this government and Moslems.”⁶¹ It should, he concluded, be made clear to the Arab and Jewish leadership that these measures did not constitute an indefinite deferral of the council scheme and that HMG was still fully committed to its eventual realisation.⁶²

Wauchope was given permission to proceed with the implementation of his strategy by a Cabinet Committee that sat in April 1932. The Committee concluded that there should be “no government pronouncement at the present time in this country as regards the establishment of a Legislative Council” but that it should be HMG’s official position that the Legislative Council should be established “as soon as the conditions permit” and, should “satisfactory progress” be made, an announcement regarding HMG’s intention to proceed with the establishment of the Council might be made as early as the autumn of 1932.⁶³

It is clear from the proceedings of the Committee that their conclusions – which effectively abrogated the commitment of the Passfield White Paper to establish the Legislative Council without delay – were strongly influenced by the analysis of the new High Commissioner, whose policy prescriptions were founded on the stubbornly popular but misguided assumption that the British inability to settle upon a form of self-government acceptable to the Palestinian population as a whole was the consequence of

⁶¹ CO 733/219/4 - Report of the Cabinet Committee on Palestine 11/4/1932 – Annex: AW to PCL 8/4/1932

⁶² CO 733/219/4 - Wauchope to Sir Samuel Wilson 26/3/1932

⁶³ CO 733/219/4 – Extracts from Conclusions of a Cabinet Meeting 20/4/1932

a persistent mutual misunderstanding between the Arabs and Jews over the political ambitions of the other community. Once each was disabused of these misconceptions, it was reasoned, both could be persuaded to share in the government of the country on terms that were compatible with the Mandate. Not only did such an assessment lead inevitably to the proposal of the same ‘trust-building’ measures that had been tried and had ultimately failed to establish political cooperation in the previous decade,⁶⁴ but it also refused to countenance the idea that the Arab-Jewish conflict was inherently political in nature and inevitably led to a zero-sum conclusion for two nationalist movements, thereby making compromise impossible. Wauchope’s approach also saw in the communal leaderships a way of managing behaviour and encouraging moderation. This was particularly true in the case of the Arab notables, with whom Wauchope sought to establish strong personal relationships in the belief that prominent figures, especially Grand Mufti Amin al-Husayni, whose status as head of the Supreme Muslim Council⁶⁵ and leader of Palestine’s Muslim community he owed to the British, could be relied upon to ensure that popular agitation and discontent did not spill over into violence.⁶⁶

There is no evidence to suggest that Wauchope’s views came in for real scrutiny from a Cabinet Committee that was comprised of figures such as Samuel, Ormsby-Gore and Viscount Hailsham. The homogeneity in views that now existed across the Palestine

⁶⁴ Gudrun Kramer, *A History of Palestine* (Princeton, NJ: Princeton University Press, 2008) 201 - Following the Arab boycott of the Legislative Council elections in 1923 the British diverted efforts to realm of local government, promulgating several local and municipal government ordinances in the mid-1920s apparently designed to increase inter-communal cooperation.

⁶⁵ Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston: Beacon Press, 2006) 55 – Khalidi describes the SMC as an artificial construct and an institution “that had no precedent in [Palestine’s] history.” By empowering the SMC with control of the *Waqf* funds and appointments to Islamic courts, the Mandatory authorities ensured that they exerted a certain amount of control over SMC officials including the Grand Mufti Amin al-Husayni.

⁶⁶ CO 733/222/7 - Wauchope to Cunliffe-Lister 30/1/1932

policy making committee rendered it little more than an echo chamber in which dissenting voices were hardly ever permitted to challenge the naively optimistic assessment of the prevailing political situation.

C. Implementing Wauchope's interim measures, May-November 1932

British attempts to refrain from official discussion of the Legislative Council came under pressure even before the Cabinet committee had issued its conclusions. In London, Cunliffe-Lister insisted that no questions pertaining to the council should be tabled in parliament, lest they result in demands for him to take a public stance on the matter.⁶⁷ In Palestine the situation was more complicated and as a result of a leak following informal conversations between British officials and Arab and Jewish leaders, the local press was flooded with rumours regarding the future of the council. When the newspaper *Al-Ahram* announced in March that the Council was on the verge of being constituted, there was wild conjecture over its potential composition and powers.⁶⁸ This no doubt complicated matters for the High Commissioner, who set about pursuing his interim measures in an even more politicised climate than that which he had inherited from Chancellor.

The first matter to receive Wauchope's attention was that of the arrangement of elections for the SMC. Established in 1921 by Herbert Samuel under the leadership of Amin al-Husayni, the SMC had autonomous control of several aspects of Muslim life in Palestine including the administration of the *shari'a* courts and the management of the *waqf* funds. Whilst the SMC elections appeared to excite the political ambitions of

⁶⁷ CO 733/219/4 – Cunliffe-Lister to Wauchope 29/4/1932

⁶⁸ CO 733/219/4 – Palestine Press Summary: Week ending 31/3/1932

notables such as the Mufti, Ragheb Bey Nashishibi, and Musa Kazim al-Husayni,⁶⁹ whose personal statuses stood to be affected by the results, it quickly became apparent that the subject held little interest for the majority of the Palestinian Arab population. By July, some media outlets were using the discussion of the SMC to agitate further for the establishment of a Legislative Council.⁷⁰ Other politicians such as the nationalist Awni Abd al-Hadi, who had no personal interest in the outcome of the SMC elections, went further by accusing Wauchope of deliberately using the election “to divert attention from the Legislative Council.”⁷¹ The growing demands for Arab non-cooperation with government – which found formal expression in the creation of the Independence (*Istiqlal*) party in August 1932 - resonated with certain sections of the Arab population, undermining the credibility of the SMC which had come to be seen as a lynchpin of notable relations with the British Administration and therefore complicit in the seemingly perpetually unfavourable political situation and the concomitant expansion of JNH.

Wauchope’s attempts to appoint Jewish and Arab members to the Administration’s many consultative committees enjoyed limited success. Given the widespread Arab suspicion of government, it should perhaps be seen as something of a coup for Wauchope that he managed to secure the appointments of senior members of the Arab Executive to a number of boards, even if these members served only as individuals and not as official representatives of the Arab Executive or of their respective factions. Wauchope persuaded Haim Arlosoroff to encourage Jewish members to serve on the consultative committees, the Director of the Jewish Agency

⁶⁹ CO 733/219/4 – Wauchope to Cunliffe-Lister 4/6/1932 – Wauchope reports that the three received the news of the planned SMC elections “in the friendliest way.”

⁷⁰ CO 733/222/8 – Cunliffe-Lister to Wauchope 5/7/1932

⁷¹ CO 733/222/8 – Weekly Press Summary #26:32

recognising the importance of improving inter-communal cooperation and trust as a way of securing the future of the JNH.⁷² Eventually Arab and Jewish members were appointed to the Labour Legislative Committee, the Road Board, the Railway Board, and the Standing Committee for Commerce and Industry and, according to Wauchope, provided the government with advice “of indefinite value.”⁷³ However, by November, every Arab member had resigned their position on the advisory boards following attempts from the *Istiqlal* to paint their willingness to cooperate with the British and Zionists as evidence of their discredited nationalist credentials.

It is clear from his original calculations that the High Commissioner envisaged the idea of appointing nominated Jews and Arabs to the Advisory Council as a politically benign interim alternative to the serious question of constitutional reform. In reality, neither the Arabs nor the Jews viewed it as such and discussions over potential appointments in September served only to “arouse further political feeling” as the question of the composition of the Council remained unaddressed.⁷⁴ Whilst the leadership of the *Istiqlal* refused to sit on the consultative Advisory Council in any circumstance, the more moderate elements of the Arab leadership refused to accept the prospect of Arab-Jewish parity, the only conditions under which the Zionists led by Arlosoroff were willing to consider participation.⁷⁵

With the exception of the Local Government Ordinance, which wasn't due to be promulgated until early 1933, every one of Wauchope's policies designed to moderate local political opinion as a step on the way to an integrated political community had

⁷² CO 733/219/4 – Chaim Arlosoroff to AW 7/9/32

⁷³ CO 733/219/4 – AW to PCL 4/10/32

⁷⁴ CO 733/219/4 – Memorandum submitted to Cabinet by PCL CP 374 (32) – Entitled ‘Palestine: Legislative Council’ - 3/11/32

⁷⁵ CO 733/219/4 – Wauchope to Cunliffe-Lister 4/10/32 and Arlosoroff to Wauchope 7/9/32

failed by the end of 1932. A central reason for this failure was the emergence of a popular new trend in Palestinian Arab politics that rejected the leadership of those notables who continued to cultivate relations with the government and were considered by a growing number of predominantly urban individuals to prioritise personal status ahead of the political well-being of the Palestinian Arab population. The rise to prominence of the *Istiqlal* in the summer of 1932 undermined Wauchope's strategy with what Weldon Matthews has described as "an assault on the politics of the notables"⁷⁶ through whom Arab politics had been managed since the inception of the Arab Executive in December 1920. By demanding independence, self-government, and non-cooperation with the Zionists and the British – who had come to be seen by many Arabs not as 'honest brokers' but as lackeys of the Zionists - the *Istiqlal* undermined the nationalist credentials of the 'moderate' notables, forcing them to take a more assertive stance in order to reflect the concerns of their constituencies and preserve their political credibility. The popularity of this movement was evidence of the extent to which the new High Commissioner had misunderstood the state of the Arab political mood.

D. Wauchope re-evaluates, November 1932

In November 1932 Cunliffe-Lister presented to Cabinet Wauchope's most recent assessment of events in Palestine.⁷⁷ According to the High Commissioner, Arab mistrust of government had become so pronounced that the *Istiqlal* were in danger of gaining "complete ascendancy" in Arab politics. Wauchope suggested that the only way the British could hope to prevent such an outcome would be by publicly reaffirming HMG's intention of proceeding with the establishment of the Legislative Council, even

⁷⁶ Matthews, *Confronting an Empire, Constructing a Nation*, 171

⁷⁷ CO 733/219/4 - Memorandum submitted to Cabinet by Cunliffe-Lister CP 374 (32) – Entitled 'Palestine: Legislative Council' - 3/11/32

though the “satisfactory progress” in the improvement of Arab-Jewish relations previously deemed a prerequisite for such an announcement had patently not been achieved. Furthermore, given the constitutional concessions being made to the populations of Iraq and Syria, Wauchope believed that a preservation of the *status quo* in Palestine would inevitably lead to further agitation.⁷⁸ Cunliffe-Lister, although reluctant to break British silence on the matter and thereby commit to the inevitable process of negotiations and horse-trading, agreed with his High Commissioner’s analysis and put it to Cabinet that same month that the High Commissioner should issue a formal statement of intent at the session of the League of Nations’ Permanent Mandates Commission later in November.⁷⁹ He proposed that no precise details be discussed regarding the make-up of the Council (the British had as of yet no precise details to disclose) but that a general statement be made reaffirming HMG’s intention to establish the institution following the successful reintroduction of local government initiatives and after conversations with Arab and Jewish leaders over the powers and composition of the Council. This provided the British with indefinite breathing space and saved them having to commit to a precise schedule for constitutional reform. Having received the Cabinet’s permission, Wauchope travelled to the PMC in Geneva where he made the following statement;

As regards the establishment of a Legislative Council, the intention of the Government remains unchanged, and we shall take steps towards the formation of a Legislative Council when the new Local Government Ordinance which is now in preparation has been brought into working order. The draft of the Local Government Ordinance has been communicated to representatives of various municipalities and we are awaiting their observations. I hope that it will be possible early in 1933 to enact this legislation, the object of which is to extend and facilitate the participation of local representatives in municipal government. I am hopeful that moderate opinion will prevail, and that, when

⁷⁸ Rose, *The Gentile Zionists*, 55

⁷⁹ CO 733/219/4 - Memorandum submitted to Cabinet by Cunliffe-Lister CP 374 (32) – Entitled ‘Palestine: Legislative Council’ - 3/11/32

proposals for a Legislative Council are put forward, they will be accepted by the leaders of both parties. These proposals will necessarily contain definite safeguards, so that under no circumstances could the peace and security of the country be endangered or the carrying out of the mandate hampered.⁸⁰

E. Conclusion

Wauchope's speech to the PMC marked the formal end of the short-lived British policy to suppress public discussion of the Legislative Council by means of pursuing a series of trust-building initiatives designed to prepare the ground for political compromise between the Arabs and Jews. The rise of the *Istiqlal* as a force in Palestinian Arab politics not only triggered a popular shift towards a non-cooperative position but in doing so also undermined the political credibility of those notables upon whom Britain appeared to rely to preserve stability. It was indicative of the seriousness with which Wauchope and his seniors in London interpreted this development that they pursued such a dramatic reversal of policy.

Wauchope and Cunliffe-Lister had initially interpreted the Legislative Council as a potentially destructive force which, if initiated during a period of intense inter-communal distrust was likely to exacerbate rather than soothe Arab-Jewish tensions. However, in the context of growing Arab non-cooperation the British were forced to consider not only the state of Arab-Jewish relations but also their own relationship with each community. Wauchope, to his credit, appears to have appreciated the rise of the *Istiqlal* as being symptomatic of a massive loss of Arab confidence in the British. Despite persistent attempts to portray themselves as the honest broker between two distrustful communities in continued antipathy to one another, the events of 1930/1 had undermined the credibility of the British in Arab eyes. As the non-cooperation agenda

⁸⁰ Notes of Reports and Minutes of Palestine Administration to LON PMC 1931-1936 - 12) Minutes of 21st session of PMC 3/11/32 to 6/12/32

represented a genuine threat to the sustainability of the Mandatory structure and hence to Britain's continued position in Palestine, Wauchope brought the question of the Legislative Council back onto the table in an attempt to demonstrate that the British remained committed to the well-being and political development of the Arab population, thereby seeking to undermine the appeal of the *Istiqlal*.

If this policy was designed to increase Arab confidence in the British the initial problem of Arab-Jewish disagreement remained unresolved. Wauchope's trust-building measures had, one might say predictably, been an unmitigated failure. Although he remained committed to the promulgation of the local government ordinance, there was no indication, either in the precedent of previous local government initiatives or in the statements of the communal leadership, that this policy was likely to bring about a serious modification in the political ambitions of the Arabs or Jews. Shortly after Wauchope's speech in Geneva leading Zionists including Arlosoroff, Jabotinsky and Selig Brodetsky all voiced their opposition to the idea of a Legislative Council, with the latter, the new head of the British Zionist Executive, arguing that the policy "would be regarded in Palestine as the introduction to a policy of liquidating the Mandate."⁸¹ At the PMC Wauchope expressed his hope that "moderate opinion [would] prevail" amongst Arab and Jewish leaders when it came to discussing the composition and powers of the Legislative Council. By the end of 1932 there was little to suggest that this would be the case.

⁸¹ CO 733/219/4 – Notes of a Meeting between Cunliffe-Lister, Brodetsky and Dr Nahum Sokolow at House of Commons 2/11/1932

CHAPTER THREE: DECEMBER 1932 - NOVEMBER 1934

Although Wauchope's announcement to the Permanent Mandates Commission in November 1932 formally reintroduced the Legislative Council as a British policy initiative, it did little to reconcile the gulf that existed between Arab and Jewish desires regarding its composition and powers. This chapter explains how tentative British attempts to craft a compromise between the Arab and Jewish positions during 1933 were challenged by a further deterioration in the state of Arab-British relations caused by a perceived increase in the threat of Zionism amongst Arabs and a general deterioration in the economic situation of Arab agriculturalists, a process that culminated in demonstrations and riots across the country in October. It is argued that, with Arab-British relations at crisis point, the Legislative Council adopted an increased significance for High Commissioner Wauchope, who came to see its early establishment as a way of reducing general Arab distrust in government whilst simultaneously bolstering the political influence of those moderate elites whose prestige had declined during 1933 and who Wauchope saw as key to his attempts to reconcile the Arab population to the gradual expansion of the JNH. The chapter concludes by arguing that the British failure to effectively address the principal concerns of the Arab population regarding the state of the rural economy as well as Zionist immigration and land purchase meant that the British obligation to establish the Legislative Council remained highly problematic on the eve of 1935, with neither Arabs nor Jews demonstrating enthusiasm for the compromise proposal that would inevitably be offered.

A. Discussions over the form of the Legislative Council, December 1932 – May 1933

Wauchope's announcement to the PMC regarding the British intention to establish a Legislative Council was received positively by several elements of the Arab leadership, with Amin al-Husayni, Musa Kazim al-Husayni, Jamal al-Husayni and even 'Awn Abd-al-Hadi and Subhi al-Khadra of the *Istiqlal* reportedly stating their theoretical willingness to serve on the Council.⁸² Among the Zionists, an initial willingness to consider participation appears to have dissipated following HMG's refusal to accommodate their suggestion that membership of seats on the Council be distributed on the basis of parity between Arabs and Jews.⁸³ In light of this rejection the Zionists' official position became one of rejection.

Issued at a time when the gulf between the Arab and Jewish positions was deemed unbridgeable, the commitment to establish the Legislative Council contained within paragraph thirteen of the 1930 Passfield White Paper had stipulated that the proposal would be made along lines similar to that presented by HMG in 1922 and that it would be forced through even without Arab and Jewish agreement. However, Wauchope and Cunliffe-Lister revised this assessment, arguing that, for the Council to be a success, it must be developed in a way that was acceptable to both communities.⁸⁴

⁸² Porath, *The Palestinian Arab National Movement 1929-1939, Volume 2*, 147 – 'Abd al-Hadi and al-Khadra agreed to serve as independents since the *Istiqlal* as an organisation would not endorse their participation.

⁸³ CO 733/219/4 Wauchope to Cunliffe-Lister 16/9/1932 and Cunliffe-Lister to Wauchope 29/9/1932 – Both men were united in their opposition to the Zionist suggestion of parity. Wauchope was convinced that the admission of parity would inevitably result in Arab refusal to participate. Cunliffe-Lister agreed, describing the position to leading Zionists in London as "inadmissible" (CO 733/219/4 - Notes of meeting between PCL, Brodetsky and Sokolow 2/11/1932)

⁸⁴ Porath, *The Palestinian Arab National Movement 1929-1939, Volume 2*, 149

Hence, the form of Council was deemed a matter “of the greatest importance.”⁸⁵ In this context both men looked to establish “full freedom of action” by casting off the restrictions imposed on the composition and powers of the Council dictated by the Churchill White Paper.⁸⁶

In seeking to establish a compromise that was mutually acceptable to Jews and Arabs it was agreed that the British should proceed by establishing a malleable framework for negotiations before representatives of the Arab and Jewish leadership were consulted at a later date. From November 1932 Wauchope engaged in informal exchanges with Cunliffe-Lister and his staff in the Colonial Office on the subject of the Council. Provisional conclusions were discussed during a meeting at the House of Commons on 24th May attended by Wauchope (who was home on leave), the Colonial Secretary, Downie, Parkinson, Sir Samuel Wilson and Lord Plymouth.⁸⁷

Central to the discussion was the question of the Council’s composition. Cunliffe-Lister proposed a provisional composition of seven Muslim, three Jewish and one Christian elected members, four British officials and three additional nominated members. Although these numbers did not reflect the demographic reality of the time and afforded the Jews a number of seats disproportionate to the size of the *Yishuv*, Wauchope supported the Colonial Secretary’s position, having reasoned previously that such an imbalance was justified on the grounds of their disproportionately large fiscal

⁸⁵ CO 733/219/4 – Internal memorandum, record of conversation between Wauchope and Cunliffe-Lister 1/11/1932

⁸⁶ CO 733/219/4 – Internal memorandum, record of conversation between Wauchope and Cunliffe-Lister 1/11/1932

⁸⁷ CO 733/235/5 – Minutes of a discussion at HOC between Cunliffe-Lister, Wauchope, Plymouth, Wilson, Parkinson, Downie

contribution, which in 1931 had provided 36.6% of total government revenues.⁸⁸ An important innovation was evident in the abandoning of the Jewish-Official majority bloc, which had been a cornerstone of the 1922 proposal and a chief Arab grievance against it.⁸⁹ Wauchope and Cunliffe-Lister were agreed that such a bloc was not necessary given that safeguards, such as the non-negotiable High Commissioner's veto, were in place to protect the JNH from any legislation that might be considered to run contrary to the terms of the Mandate.⁹⁰ Debate over the composition of the Council was qualified by Cunliffe-Lister's request that the numbers should be liable to change in order to reflect immigration, an innovation he hoped would encourage the Jews to accept the proposal on the grounds that their minority status would not be made permanent should they agree to participate.⁹¹

The group agreed that the system of direct election should replace that of indirect election (secondary election), an electoral process that had been used in Palestine during the Ottoman era and had appeared in the 1922 Order-in-Council but had since been deemed "cumbersome" by Wauchope.⁹² Other issues such as the extent of the franchise and the qualification of voters were also discussed. Slight contention arose over the question of whether the electorate should be divided on a communal or territorial basis. Wauchope saw value in the latter, arguing that mixed Arab-Jewish constituencies would provide the foundation for long-term inter-communal political

⁸⁸ CO733/219/4 - Wauchope to Cunliffe-Lister 16/9/32 and Roza M. El-Eini, "Government Fiscal Policy in Mandatory Palestine in the 1930s" *Middle Eastern Studies*, Vol. 33, No. 3 (December 2006) 581

⁸⁹ Jarman, *Palestine and Transjordan Administration Reports*, "Correspondence with the Palestine Arab Delegation and the Zionist Organisation" – Letter from Palestine Arab Delegation to Secretary of State for the Colonies, 21/2/1922

⁹⁰ CO 733/235/5 – Extract from note of discussion between Wauchope and Cunliffe-Lister 22/4/33

⁹¹ CAB 24/234 C.P. 374 (32) entd. Palestine: Legislative Council 3/11/32 – This had been a principal concern voiced by the Zionists when considering whether or not to accept the 1922 Legislative Council proposal, Sykes, *Crossroads to Israel*, 73

⁹² CO 733/219/4 – Record of conversation between Wauchope and Cunliffe-Lister, 1/11/1932

cooperation, a position that confirmed his wholehearted belief in the feasibility of a unified political community. He was opposed by Parkinson and Cunliffe-Lister who argued that a communal electoral system was the only way to guarantee adequate representation for the Jewish population.⁹³ Parkinson, who had argued to the High Commissioner in January that the existence of the obligation to establish a JNH implied “an indefinite perpetuation of racial distinction in [Palestinian] politics,” ultimately prevailed. Having laid out this skeleton to serve as the basis of negotiations, the officials concluded that any public debate over the Legislative Council be postponed until early in 1935 in order to allow for the successful implementation of the local and municipal government ordinances in the interim.

The manner in which the British officials approached the question of the Legislative Council in the first months of 1933 was far more nuanced than it had been in 1922 under Churchill and Samuel. United in their belief that the Arab demand for full self-government and the Jewish demand for parity were both inadmissible, Wauchope et al. sought to develop concessions within these narrow parameters designed to address some, though certainly not all, of the reservations voiced by communal leaders in the hope of being able to encourage what they perceived to be moderate opinion regarding participation in the Council.

Nonetheless, it is clear from the relatively infrequent nature of the correspondence concerning the Council during this period that there was no appetite on the part of these officials to rush into its establishment. This reticence must be attributed to a recognition that the Council was still believed to be a highly divisive issue at a time

⁹³ CO 733/235/5 – Minutes of a discussion at House of Commons between Cunliffe-Lister, Wauchope, Plymouth, Wilson, Parkinson, Downie 24/5/1932

when the state of inter-communal relations and trust in the Mandatory were not conducive to compromise on a matter as significant as constitutional government. The pledge to re-establish local and municipal councils provided HMG with breathing space on this front. In a letter to the Colonial Secretary in April 1933 Wauchope restated his confidence that, through careful management of the situation, a compromise might still be reached;

I remain hopeful that if the Jews are wise in speech and action, and if government proceeds steadily in our policy of development so as to meet the needs of the people as regards material necessities, health and education, then, in years to come, the Arab population, even if they do not embrace what they cannot eschew, will be led to realise that the principles of the Balfour declaration cannot be abandoned.⁹⁴

B. The General Strike and Riots of October 1933

Whilst the Palestine Administration proceeded fitfully with plans to promulgate Local and Municipal Council ordinances designed to encourage inter-communal cooperation, other aspects of Mandatory policy relating to the rural economy and Jewish land purchase and immigration were having precisely the opposite effect, proliferating distrust and resentment. Moreover, the apparent British refusal to properly address these issues further undermined in Arab eyes the British claim to be seeking to balance the interests of the two communities, precisely the image that the Legislative Council announcement was designed to project.

In 1933 approximately two thirds of the indigenous population of Palestine were rural peasantry (*fellahin*).⁹⁵ After three successive years of poor harvests Arab agriculturalists faced reduced output, falling crop prices and were, according to

⁹⁴ CO 733/235/5 – Wauchope to Cunliffe-Lister – 1/4/1933

⁹⁵ Mahmoud Yazbak, “From Poverty to Revolt: Economic Factors in the Outbreak of the 1936 Rebellion,” *Middle Eastern Studies*, Vol. 36, No. 3 (July 2000) 94

Abboushi, “approaching starvation in some cases.”⁹⁶ At the same time, taxation in the form of the tithe (*al-‘ushur*), a tax on livestock (*al-aghnam*) and a fixed property tax (*werko*) meant that many *fellahin* faced a fiscal burden equivalent to 35% of total annual income.⁹⁷ With inadequate access to affordable credit and a consequent resort to usurious interest rates of between 30-50%, many thousands of them were trapped in a cycle of debt.⁹⁸ The phenomenon of landlessness was exacerbated in rural areas by Jewish land purchase which, through the policy of *avoda ivrit* (Hebrew Labour or ‘the conquest of labour’), resulted in many thousands of *fellahin* being thrown off the land on which they had worked to be replaced by Jewish labourers.⁹⁹ This in turn led to high levels of urban migration where peasants, often unable to find work, faced “social marginalisation and often again abject poverty”¹⁰⁰ in the slums surrounding urban centres whilst coming face to face with Jewish political activism and restrictions on employment. Combined with growing levels of political engagement amongst women and youth and the dissemination of nationalist ideas through media such as the *Istiqlal*’s newspaper *al ‘Arab*, the early 1930s saw a significant expansion of the Palestinian Arab national consciousness, even if it was far from homogenous and lacking a unified central leadership.

Arab fears of Jewish domination were compounded by a sharp rise in immigration into Palestine that began in 1933 as a consequence of the rise to power of anti-Semitic governments in eastern and central Europe. Between 1933 and 1935

⁹⁶ Abboushi, *The Unmaking of Palestine*, 82

⁹⁷ Yazbak, “From Poverty to Revolt,” 97

⁹⁸ El-Eini, “Government Fiscal Policy...” 588

⁹⁹ Silsby-Boyle, *The Betrayal of Palestine*, 191

¹⁰⁰ Yazbak, “From Poverty to Revolt,” 94

134,540 authorised immigrants entered Palestine, the majority Jews,¹⁰¹ whilst an estimated 22,400 illegal Jewish immigrants entered in 1933 alone.¹⁰² In September 1933 Deputy Inspector H. P. Rice of the Palestine CID noted that these escalated levels of immigration “not only increased Arab anxiety but made them believe that conquest is imminent.”¹⁰³

Rather than venting frustration against the Jewish community, 1933 saw a growth in overtly anti-British Arab political rhetoric. For many nationalists, the British were seen as the midwives of the JNH, without whose support Zionism would cease to flourish in Palestine. Whereas Jewish capital flows had helped to create sophisticated agricultural, industrial and financial infrastructure amongst the *Yishuv*, no similar investment had been made in Arab sectors. British investment in Palestine was paltry; a continuation of a policy laid down by Lord Privy Seal Andrew Bonar-Law in the early 1920s when he stated that HMG was “not to spend a penny of the British tax payer in Palestine.”¹⁰⁴ Although the country was operating a healthy fiscal surplus a decade later, little effort was made to address the situation of the *fellahin*, even though the reality had been made clear in the reports of several official commissions of inquiry.¹⁰⁵ The discrepancy between the situation of the *fellahin* and the *Yishuv* further enhanced Arab resentment of the Mandatory authorities, who refused to initiate legislation enacting meaningful restrictions on Jewish land purchase and immigration.

¹⁰¹ Rose , ‘*A Senseless, Squalid War*,’ 37

¹⁰² Abboushi, *The Unmaking of Palestine*, 75

¹⁰³ CO 733/257/11 - Memorandum by H. P. Rice Deputy Inspector-General Palestine CID 8/9/1933 entd. ‘Appreciation of Arab Feeling as Affecting Palestine’

¹⁰⁴ El-Eini, “Government Fiscal Policy...,” 573

¹⁰⁵ See for example the ‘Report on Immigration, Land Settlement and Development’ (1930) and the ‘Johnson-Crosbie Committee Report’ (1930).

These factors combined to move Palestinian Arab politics towards an increasingly non-cooperative stance during 1933, driven by the political mobilisation of the *fellahin*, urban workers and youth movements along nationalist lines. The non-cooperation programme was initiated by the *Istiqlal* during December 1932 but was taken up in March 1933 (albeit half-heartedly) by the Arab Executive, the political activity of which had dwindle significantly since the issuance of the Black Letter.¹⁰⁶ Writing to Cunliffe-Lister in March, Wauchope observed that even moderate notables had begun to denounce the government “from fear of losing what political influence they possess.”¹⁰⁷ Of particular concern to the British was the role of Mufti Amin al-Husayni, whose religious standing made him influential amongst the *fellahin*. In conversation with the High Commissioner the Mufti appeared to demonstrate a willingness to support the government however, the newspaper *al jamia al islamiyya*, which was reportedly the mouthpiece of the Mufti, began during 1933 to espouse strongly anti-government sentiment, demonstrating the delicate balance that the Mufti was forced to tread in order to maintain good relations with the government without entirely sacrificing political credibility amongst his primary constituency.¹⁰⁸ On 13th October the Arab Executive, driven by the extent of popular opposition to government policy, initiated a General Strike and a demonstration in Jerusalem calling for the end of Jewish immigration and the sale of land to Jews. Demonstrations continued throughout the month in many locations including Haifa, Nablus and Jaffa, during which British police came under attack from protestors. In attempting to disperse protestors during

¹⁰⁶ Matthews, *Confronting an Empire, Constructing a Nation*, 180

¹⁰⁷ CO 733/235/5 – Wauchope to Cunliffe-Lister 1/4/1933

¹⁰⁸ CO 733/257/11 – Memorandum by H. P. Rice, Deputy Inspector-General of Palestine CID 8/9/1933 entd. ‘Appreciation of Arab Feeling as Affecting Palestine’

demonstrations the British police took to opening fire, killing 24 Arabs and wounding a further 204.¹⁰⁹

C. The British respond to the October violence

October 1933 was the first occasion in which the Palestinian Arab population had engaged in predominantly anti-British rather than anti-Zionist protest. Popular grievances amongst large sections of the Arab population had resulted in a politicisation of the country that had rendered the question of politics no longer the sole preserve of the traditional elites. With the rise of the *Istiqlal* the idea of a Palestinian Arab nationalism feeding upon opposition to Zionism and the Mandatory authorities had developed amongst a broader social base. The threat of further anti-government strikes and protests to be carried out in early 1934 indicated to the British that the events of October were not isolated.

Wauchope wrote to Cunliffe-Lister in December 1933 with his assessment of the situation.¹¹⁰ He presented three reasons for the violence; widespread hatred amongst the Arabs for the JNH and the Balfour Declaration; “the growth of national feeling in Palestine and other Arab countries which causes any foreign rule to grow more and more distasteful;” and “the action of political leaders who, for their own political existence, are bound to outvie each other in denunciation of a foreign government which supports the Balfour Declaration.” Although the *fellahin* had not participated in the disturbances in large numbers, Wauchope recognised that the negative economic impact of Zionism on the Arab agricultural class had compounded anti-Mandate grievances. Wauchope described the atmosphere in Palestine as “more bitter” in the

¹⁰⁹ John and Hadawi, *The Palestine Diary*, 248

¹¹⁰ CO 733/257/11 – Wauchope to Cunliffe-Lister 23/12/1933

wake of the violence and although he believed the country was not in a critical state, he was certain that a failure on the part of the British to address the grievances of the Arab population would result in further and more serious disturbances in the near future. He was particularly concerned by the prospect of Arab opposition to the Mandate taking on a religious character. Should this occur, he reasoned, there was a strong likelihood of widespread violence involving the *fellahin*. He believed that such a situation had thus far been prevented from materialising by the willingness of the Mufti to cooperate with government but he wrote that it would be “folly to count on these conditions lasting.”

Wauchope’s proposed remedy for the prevailing instability derived from the belief that the “separation and hostility” between the Arabs and the British would continue to grow unless something was done to improve the economic situation of the *fellahin* and to “bring ruler and ruled more in sympathy” by increasing their role in the government of the country. In an effort to achieve this he suggested that “capable Palestinians” be appointed to serve in the administration and that the Legislative Council should be established “at an early date” in order to “give all classes a means of expressing their views and grievances and lessen the temptations to adopt unconstitutional methods.” Even if the Council did not succeed in restoring Arab confidence in the British, the failure to make any move towards self-government was likely to “increase and perpetuate the present mistrust.” The tone of Wauchope’s letter to the Colonial Secretary was less confident than previous missives and he voiced concern that Arab and Jewish leaders lacked “either sufficient political wisdom or authority” to adopt a policy capable of delivering “a reconciliation in the near future.” Nonetheless, he remained convinced that the interests of the two communities were ultimately reconcilable.

The response of the Colonial Office staff to the deteriorating situation in Palestine was considerably less optimistic than that of the High Commissioner. Between December 1933 and March 1934 several letters and memoranda circulated amongst the staff of the Middle East Department in which radical solutions to the situation in Palestine were discussed. A scheme for the division of Palestine into Arab and Jewish cantons had featured in the minutes of the Colonial Office since 1929, even if, as Sinanoglou notes, only “sporadically and furtively.”¹¹¹ The idea of cantonisation was raised again in December by Parkinson in a letter to Wauchope, with the former asking the High Commissioner if it was an idea “worth exploring as a possible solution.”¹¹² At the end of January H. F. Downie noted in a memorandum to his colleagues that, with restrictions on land purchase and immigration ruled out by the policy contained within the ‘Black Letter’ of 1931, the cantonisation proposal had “much to commend it” on the grounds that it would provide the Jews with an incentive to come to terms with the Arabs.¹¹³ O. G. R. Williams and Lord Plymouth went even further by suggesting that HMG might give serious consideration to placing some definite restrictions on the further expansion of the JNH, with the latter expressing the opinion that it was widely-held within the Colonial Office that “the Jew and Arab will never settle down side by side in Palestine.”¹¹⁴ Such suggestions were highly out of character for a department that had, since 1921, been traditionally supportive of the gradual development of the JNH and been unwilling to endorse any radical deviations in policy. These proposals must be seen as a reflection of the perceived scale of the dilemma facing the British in Palestine at this time.

¹¹¹Penny Sinanoglou, “British Plans for the Partition of Palestine, 1929-1938,” *The Historical Journal*, Vol. 52, No.1 (March 2009)139

¹¹² CO 733/248/20 Parkinson to Wauchope 14/12/33

¹¹³ CO 733/257/12 CO Memo entitled 'The Situation in Palestine' by HF Downie 31/1/34

¹¹⁴ CO 733/257/12 - CO correspondence 1934 (handwritten minutes)

Any suggestion that the Middle East Department's musings might be acted upon was swiftly quashed by Cunliffe-Lister, who intervened in March 1934 to ensure that the *status quo* be preserved. Responding to the Middle East Department's memorandum, Cunliffe-Lister argued;

You all assume that the lion will not lie down with the lamb and that the best you can hope for is a fairly divided and well-guarded zoo...You may truly say that sixteen years experience justifies your pessimism...I am not going to accept this defeat without an effort...I will only say if you are right in your views, I think the only way you can give effect to them is by trying my policy first.

The Colonial Secretary's policy was laid out in a Cabinet memorandum that same month.¹¹⁵ In it, he eschewed a change of strategy in Palestine and presented instead several tactical initiatives designed to stabilise the security situation. These included; the immediate provision of the *waqf* funds as a way of preserving the High Commissioner's "influence with and ascendancy over the Mufti;" moves to combat illegal Jewish immigration into the country; and the provision of assistance in resettlement to landless and unemployed Arabs. The Colonial Secretary acknowledged that such policies were only palliatives, however, and that "the real solution [lay] in the Jews abandoning the principle of the exclusive employment of Jews and showing in practice that Arabs benefit directly by Jewish land purchase and industrial development," an idea that he hoped the Jewish leaders would come to accept in time but was not confident of. The Legislative Council featured in Cunliffe-Lister's comments although it is clear from the tone in which it was discussed that he was considerably less enthusiastic about the idea of the Council than his High

¹¹⁵ CAB 24/258 – C.P. 95 (34) 'Palestine' – Memorandum by the Secretary of State for the Colonies, 28/3/1934

Commissioner, even if he appreciated the latter's reasoning and recognised that HMG remained "absolutely committed by undertakings given in Parliament and to the Permanent Mandates Commission to make another attempt [to establish the Council]."

It is clear that the violence of 1933 had accentuated the variance in opinion towards the Legislative Council between Cunliffe-Lister and Wauchope that had, most likely, existed since the two men were appointed to their respective positions. Whereas Wauchope saw the Council as an important tactical tool in his broader strategy of increasing Arab participation in government as a way of establishing Arab faith in the Mandate, Cunliffe-Lister saw it as an inconvenience, preferring more practical measures designed to consolidate the influence of leading notables and improve the lot of the *fellahin*. Nonetheless, despite his reservations Cunliffe-Lister refused to obstruct the road to the establishment of the Council, recognising the reasoning of his High Commissioner, whose opinions he trusted and with whom he shared a strong personal relationship.¹¹⁶

D. Renewed discussions over the Legislative Council, August-November 1934

In August 1934 Wauchope initiated a series of informal discussions with prominent Arab and Jewish leaders in an effort to 'take the temperature' of communal attitudes towards the Legislative Council in the wake of the disturbances of the previous year. During a meeting with David Ben Gurion Wauchope found the leader of the left-wing *Mapai* party to be uncompromising on the issue. Zionists in London, Wauchope was informed, were planning to issue formal opposition to the idea of the Council in mid-September so long as HMG continued to reject the idea of parity between Arabs

¹¹⁶ Cross, *Lord Swinton*, 121

and Jews.¹¹⁷ Despite attempts by the High Commissioner to convince Ben Gurion that ample safeguards would be put in place to protect the JNH, there was no softening of his position.

A meeting with Mufti Amin al-Husayni later that month yielded similarly unpromising results. Efforts towards the establishment of local and municipal government, which had finally been promulgated early in 1934, had been interpreted by the Arabs as “retrograde rather than a step towards emancipation,”¹¹⁸ thereby further souring relations with the government. The Arabs, Wauchope was informed by the Mufti, were anticipating the offer of a “parliament with full powers and not a Legislative Council with limited powers.”¹¹⁹ Wauchope’s attempts to secure the Mufti’s services in preparing the ground for Arab acceptance of a Council with “moderate powers” rested on the argument that Arab rejection would be a missed opportunity that may not present itself again for another twenty years. He also attempted to play the Arabs off against the Jews by suggesting that, so long as the Arab demands were acceptable to HMG, he would suggest that the Council be established in spite of Jewish opposition. The Mufti’s response was cryptic: the Arab position, he suggested, would be determined by the “amount of benefit which they would derive from and the powers they would have on the Council.”

Wauchope drew surprisingly positive conclusions from these meetings. His central thesis remained the same;

¹¹⁷ CO 733/265/1 Wauchope to Cunliffe-Lister 18/8/1934

¹¹⁸ CO 733/257/11 – Memorandum by Air Commodore R. E. C Pierse, Air Officer Commanding Palestine and Transjordan – 8/12/1933

¹¹⁹ CO 733/264/1 – Secret Despatch from Wauchope to Cunliffe-Lister ref # CF 96/34 25/8/1934 inc. Annex 2 - record of conversation between Wauchope and Mufti Amin al-Husayni 20/8/1934

If no steps are taken now to grant some constitutional change as will establish a Legislative Council and not merely a consultative body, the breach between the Arabs and the government will be widened to breaking point.¹²⁰

However, beyond the obvious value to the British of proceeding with the establishment of the Council he also believed that there was every possibility that HMG could deliver a formula acceptable to both communities. Wauchope remained convinced that the Mufti was “on the side of moderation” and would continue to engage with the government. At the same time he reasoned that the Jews, despite their present intransigence, were in no position to reject the Council in the long run. These calculations were evident in his conclusions presented to the Colonial Secretary on 18th August;

We [HMG] shall make an offer of clear justice which the moderate Arabs will be willing to accept and the Jews (excepting as always the Revisionists¹²¹) for their own interest will not venture in the last resort to refuse.¹²²

Wauchope’s analysis prompted a fresh round of discussions between the Colonial Office and the Palestine Administration over the powers and composition of the Council during the summer of 1934. In November Cabinet was presented with the conclusions of these discussions, over which the Colonial Secretary and High Commissioner were said to be in “complete agreement.”¹²³ The conclusions largely

¹²⁰ CO 733/265/1 Summary of Wauchope’s conclusions on the Legislative Council 25/8/1934, contained within Secret Despatch from Wauchope to Cunliffe-Lister Ref # CF 96/34 - 25/8/1934

¹²¹ The Revisionist Zionists, led by Ze’ev Jabotinsky, rejected political compromise with the Arabs and unashamedly declared their ambition to develop Palestine into a Jewish state. The Revisionists’ popularity amongst the *Yishuv* had increased following the Wailing Wall Riots of August 1929, Tom Segev, *One Palestine, Complete* (New York: Metropolitan Books, 2000) 332

¹²² CO 733/265/1 Wauchope to Cunliffe-Lister 18/8/1934

¹²³ CAB 24/251 CP 256(34) – entd. ‘Palestine Legislative Council’

reflected the ideas laid down in May 1933 however, one important amendment was made to reflect the reality of anti-Mandatory atmosphere in Arab politics.

It will be remembered that the original proposal was for three nominated members to sit alongside eleven elected members. This was revised in line with the analysis of Jerusalem District Commissioner J. E. F. Campbell, who reasoned that the political climate of the time made it highly likely that, were elections to be held, the extremists who uncompromisingly demanded independence would “sweep the polls.”¹²⁴ Nominated members, Campbell argued, would bring political experience and moderation in views, giving the Council “a reasonable chance of being of some administrative value.” Refusing to endorse Campbell’s proposal for an entirely nominated Council on the grounds that it would likely be rejected by the Arab populace as being “subservient to government influence,”¹²⁵ Wauchope and Cunliffe-Lister agreed that more nominated Council members – by which they meant influential notables - would increase the likelihood of moderation and would also give an opportunity to afford representation to minorities (such as the Bedouin) and to provide more seats to the Jews as “justified by their stake in the country.”¹²⁶

The desire to incorporate more nominated members resulted in an expansion in the size of the proposed Council from twenty members in 1933 to twenty nine members in November 1934, to include twelve elected members (eight Muslims, three Jews, one Christian), eleven nominated members (two Muslim, five Jews, two Christian, one Bedouin, one Commercial), five members of the government and the High

¹²⁴ CO 733/265/1 Wauchope to Cunliffe-Lister 25/8/1934 – Annex 1, Despatch from Major J.E.F. Campbell 24/8/1934

¹²⁵ CO 733/264/1 – Secret Despatch from Wauchope to Cunliffe-Lister ref # CF 96/34 25/8/1934 inc. Annex 2 - record of conversation between Wauchope and Mufti Amin al-Husayni 20/8/1934

¹²⁶ CAB 24/251 CP 256(34) – entd. ‘Palestine Legislative Council’

Commissioner, thereby formalising the abandonment of the majority Jewish-Official voting bloc by establishing an Arab bloc of equal size.

After initial disagreement between Wauchope and Cunliffe-Lister over the purview of the Council it was decided that, rather than preventing the Council discussing certain topics, it should, in the Colonial Secretary's words, "be entrusted with the fullest possible powers of discussion."¹²⁷ Prior to this, Wauchope had supported the retention of the clause preventing the discussion of topics relating to religion and those deemed "repugnant to the Mandate," the latter having even been mentioned as a safeguard for the JNH in informal discussions with Jewish leaders. The impracticality of the clause was raised by George Antonius in discussions with Wauchope, who observed that since the Mandate was itself a point of controversy, who was to define what constituted material repugnant to it?¹²⁸ Concerned that there was no precedent for the exclusion of certain topics of discussion in colonial administration¹²⁹ and satisfied that the High Commissioner's veto was sufficient to provide protection against unconstitutional legislation, Colonial Office staff agreed that the clause should be dropped.

Having received Cabinet's approval to continue with discussions based on the formula presented to them in November, Wauchope informed the Colonial Secretary that, with the local and municipal councils now functioning, he intended to begin formal negotiations with Arab and Jewish leaders in January 1935.¹³⁰

¹²⁷ CO 733/265/1 Notes of a Conversation between Sir John Maffey and Cunliffe-Lister, 4/10/1934

¹²⁸ Silsby-Boyle, *The Betrayal of Palestine*, 202

¹²⁹ CO 733/265/1 Internal CO memo Parkinson to Maffey 8/9/34

¹³⁰ CO 733/265/2 Wauchope to Cunliffe-Lister 29/10/1934

E. Conclusion

By the end of 1933 it was clear that the moderating effect Wauchope had hoped would result from his announcement to the PMC had failed to materialise. On the contrary, the twelve months following the articulation of the British commitment to establish the Legislative Council had seen popular dissatisfaction with government reach unprecedented levels, driven by widespread destitution amongst the rural peasant majority, continuation of Jewish land purchase and rapid expansion of legal and illegal Jewish immigration into Palestine. The diversification of Arab politics that occurred during this period represented a challenge to the political authority of the notables, through whom the British had long sought to maintain indirect control of the population, whilst the growing popularity of the Arab non-cooperation programme undermined the continued close relations of leading notables with government figures and institutions.

Together, Wauchope and Cunliffe-Lister responded to the October disturbances by attempting to address what they perceived to be the underlying causes of the instability. By investing in the welfare of the *fellahin*, restoring the political influence of the Mufti whilst consolidating his subservience to government, and by encouraging a limited expansion of the role of the population in government, the British sought once again to strangle support for the non-cooperationists by remedying the grievances of large parts of their constituency whilst bolstering the influence and credibility of those notables that were supportive of continued engagement with government. This response betrayed an approach to the politics of Palestine that understood the Arab notables not as committed nationalists but as an interest group that could be persuaded to accept

political compromise in order to preserve its own status and influence amongst the population. This was a view that Wauchope was particularly invested in as was evidenced by his continued attempts to cultivate strong personal relations with Arab and Jewish leaders.

The Legislative Council played an important role within Wauchope's strategy for restoring stability and a political climate that was favourable to the British ambition for the controlled growth of the JNH. Proceeding with the Council, he reasoned, would not only restore Arab trust in the British by convincing them of the Mandatory's commitment to Arab welfare but would further enhance the political prestige of those notables who he perceived as being willing to cooperate with government. The decision to increase the number of nominated members on the Council in 1934 should be seen as evidence of the fact that, as Matthews argues, Wauchope "clearly intended the [Legislative Council] scheme to buttress rather than supplant the system of indirect rule."¹³¹

From his position in Palestine, Wauchope remained cautiously optimistic throughout the 1932-1934 period regarding the feasibility of establishing the Council, an achievement he believed would be the pinnacle of his career in Palestine.¹³² His optimism derived not only from his persistent belief in the legitimacy of the Arab notables but also from a belief that the Jews, despite their obvious opposition to the idea of the Council, would ultimately agree to participate - reasoning that was not entirely naive having been evidenced during Zionist discussions over whether or not to accept

¹³¹ Matthews, *Confronting an Empire, Constructing a Nation*, 225

¹³² Yehoyada Haim, *Abandonment of Illusions: Zionist Political Attitudes Toward Palestinian Arab Nationalism, 1936-1939* (Boulder, CO: Westview Press, 1983) 13

the 1922 Legislative Council proposal.¹³³ By 1933 some senior members of the Colonial Office staff had come to question the practicability of a British Palestine policy that Lord Plymouth described as being “hand to mouth.”¹³⁴ However, Wauchope received support in his analysis from a Colonial Secretary who clearly trusted the instincts and judgements of the High Commissioner and who refused to accept the negative prognoses of his staff – at least for the time being. Attempts by London and Jerusalem to draft a Legislative Council proposal that sought to satisfy the principal grievances of both Arabs and Jews was central to the fulfilment of this moderation strategy.

In the final analysis, however, the realisation of Wauchope’s Council strategy relied on the British ability to mitigate the distrust that defined Arab-British relations. During 1934 it became clear that Wauchope lacked the desire and the capability to dramatically curtail Jewish immigration, which peaked beyond 40 000 for the first time¹³⁵ - a rate which, if continued, would have seen Jews outnumber Arabs in Palestine within two generations.¹³⁶ Protection of Cultivators Ordinances promulgated in 1933 and 1934 in order to protect tenant farmers from land sales by absentee landlords entirely failed to protect small landowners from the pressures that annually forced thousands of *fellahin* to sell their holdings,¹³⁷ whilst small investments by government in rural cooperative societies designed to provide affordable credit to the *fellahin* were insufficient to alter the fundamental problems facing these Arab agriculturalists.¹³⁸ Combined with a complete inability to pressure the *Yishuv* to adopt more inclusive

¹³³ Wasserstein, *The British in Palestine* (Oxford: Blackwell, 1991) 121 and Doreen Ingrams, *The Palestine Papers 1917-1922* (London: John Murray, 1972) 172

¹³⁴ CO 733/257/12 - CO correspondence 1934 (handwritten minutes)

¹³⁵ HMG, *The Political History of Palestine Under British Administration*, (NY: British Information Services, 1947) 15

¹³⁶ Elizabeth Monroe, *Britain’s Moment in the Middle East* (London: Chatto and Windus, 1981) 86

¹³⁷ Haim, *Abandonment of Illusions*, 19

¹³⁸ El-Eini, “Government Fiscal Policy...,” 588

employment practices, HMG ensured that the formal negotiations over the establishment of the Legislative Council that began in 1935 took place in an atmosphere in which Arab-British relations were under increasing, rather than diminishing, strain.

CHAPTER FOUR: JUNE-DECEMBER 1935

This chapter assesses the developments of the year 1935, during which, despite increasing levels of anti-Legislative Council agitation by the Zionist leadership in London and Jerusalem, HMG pushed on with plans for the establishment of the institution, beginning with the initiation of formal discussions with Arab and Zionist leaders in July and culminating in an official presentation of a proposed Council make-up only five months later. It is argued that Wauchope, who still conceived of the Council as a valuable policy tool capable of mitigating Arab anti-Mandatory sentiment and mutual Arab-Zionist mistrust, had by this time become the undoubted champion of the scheme with the full backing of the Colonial Office staff and, it seems, the Cabinet. As a result of this, not even the appointment of the pro-Zionist Malcolm MacDonald as Colonial Secretary in June 1935, or his replacement by the apathetic James Henry Thomas in December, could effectively halt the momentum that Wauchope had generated towards the Council's establishment. In the context of a popular explosion of Arab anti-Mandatory sentiment in October and November 1935 that threatened to destroy the credibility of the Arab notables and prompt an increase in non-cooperation with government, Wauchope pushed for a series of reforms in the areas of government, land purchase and immigration that he hoped would bring the Arab population back from the brink. Central to these reforms was the establishment of the Legislative Council which, by the first month of 1936, was a goal that appeared close to realisation.

A. Malcolm MacDonald replaces Cunliffe-Lister, June 1935

It wasn't until June 1935, after further complications relating to the establishment of the Jerusalem Municipal Council had been overcome, that the High

Commissioner believed the conditions were ripe for the initiation of formal discussions with Arab and Jewish leaders over the powers and composition of the Council.¹³⁹

However, that same month an additional delay was caused by the Cabinet reshuffle that followed the resignation of Prime Minister Ramsay MacDonald, as part of which Cunliffe-Lister was replaced as Colonial Secretary by the former Prime Minister's son, Malcolm MacDonald.¹⁴⁰ The appointment of MacDonald prompted a pause in the initiation of the Legislative Council discussions in order to enable the new Colonial Secretary to familiarise himself with the matter.

Having read through the Colonial Office's by now extensive files on the Council, MacDonald wrote to Wauchope on June 22nd informing the High Commissioner of his opinions.¹⁴¹ MacDonald shared his predecessor's view that, were it not for pledges already made and the lamentable state of Arab-British relations, the whole scheme should be thrown out. He also suggested that there should be no more unnecessary hold-ups in negotiations owing to the "dangerous state of mind" of the Arab community. However, he disagreed on the consensus that had emerged between Cunliffe-Lister, Wauchope and the Cabinet on the question of parity. Rather than prompting the ire of the Arabs, MacDonald argued that by enshrining the principle of racial equality in the make-up of the Council, parity would appease Arab fears of political domination by the Jews and would convince the Jews that the British were committed to the idea of demographic equality as an ideal to be worked towards "as quickly as conditions warrant." In making the argument for parity, MacDonald upset the

¹³⁹ CO 733/275/1 Wauchope to MacDonald 28/6/1935

¹⁴⁰ Cunliffe-Lister remained in the Cabinet and was appointed to serve as Secretary of State for Air, a post he held until May 1938.

¹⁴¹ CO 733/275/1 – MacDonald to Wauchope 22/6/1935 and accompanying note entd. 'Note on Legislative Council'

accord that had, up to that point been a centrepiece of HMG's approach towards the Council.

There is strong reason to believe that MacDonald's professed support for the continuation of the policy was disingenuous, and that his request for a reconsideration of the parity question was a deliberate attempt to further delay the establishment of the Council. Norman Rose has explained that, once the Zionists became convinced that HMG could not be persuaded to abandon their commitment to the Council altogether, their strategy shifted towards initiating measures designed to slow, if not stall completely, further progress on the matter.¹⁴² MacDonald, whose support for Zionism had been instrumental in shaping the British retreat from the Passfield White Paper in 1930, was a Zionist sympathiser in the mould of his father and was considered an influential ally by Weizmann,¹⁴³ who had approached the new Colonial Secretary shortly after his appointment requesting him to disrupt the scheduled talks between the High Commissioner and Arab and Jewish representatives on the subject of the Council.¹⁴⁴ Recognising that he would not be able to immediately reverse a policy that was so well developed and that was supported by the experienced and by now highly respected Wauchope, it is likely that MacDonald raised the idea of parity (which he must have known had already been deemed inadmissible by Wauchope and the Cabinet) in an attempt to deliberately delay progress.¹⁴⁵

¹⁴² Rose, *The Gentile Zionists*, 57

¹⁴³ Clyde Sanger, *Malcolm MacDonald: Bringing an End to Empire* (Montreal: McGill-Queen's University Press, 1995) 95-96 and W. F. Abboushi, "The Road to Rebellion: Arab Palestine in the 1930s" *Journal of Palestine Studies*, Vol. 6, No. 3 (Spring 1977) 24

¹⁴⁴ Rose, *The Gentile Zionists*, 58

¹⁴⁵ Rose, *The Gentile Zionists*, 57 – Rose argues that once the Zionists came to appreciate that HMG could not be persuaded to abandon the Legislative Council scheme they pushed instead for continued delay.

MacDonald's proposals were received with grace but without much enthusiasm by the High Commissioner, who restated his well worked argument against parity in clear and compelling terms; arguing that the principle was an innovation in the Jewish position that had not existed in 1922; that the Jews had not demanded parity on the numerous advisory boards on which they had willingly sat in the first years of his tenure as High Commissioner; and, most importantly, that any move towards parity at this stage would inevitably result in an Arab boycott of the Council.¹⁴⁶ In a separate note, Wauchope played down MacDonald's fears that a British refusal to grant parity to the Jews would result in their boycotting the Council, arguing that, when faced with the certainty of election, leading Zionists would recognise that, "what cannot be eschewed had better be embraced,"¹⁴⁷ a position that was central to his optimistic assessment of the likelihood of establishing constitutional reform.

By mid-July MacDonald had apparently been persuaded by the High Commissioner that the idea of parity remained inadmissible and the subject was dropped.¹⁴⁸ However, this was achieved only once Wauchope had approved the initiation of another MacDonald-initiated delay in consideration of the upcoming elections for the Zionist Executive which were scheduled for September 1935. Following a conversation with Weizmann, MacDonald had submitted another request for a delay based on the argument that any formal announcement regarding the Council would likely impact unfavourably on the upcoming elections for the Zionist Executive by returning a body less "moderate and reasonable" than the present Executive and therefore potentially less likely to preserve good relations with the British

¹⁴⁶ CO 733/275/1 Wauchope to MacDonald 4/7/1935

¹⁴⁷ CO 733/275/1 Wauchope to MacDonald 28/6/1935

¹⁴⁸ CO 733/275/1 MacDonald to Wauchope 15/7/1935

government.¹⁴⁹ Unlike the question of parity, it appears that MacDonald's comments concerning the elections to the Executive were taken seriously by Wauchope, who reasoned that the existing Executive, although formally opposed to the Council, was united in its belief that continued cooperation with HMG was a priority.¹⁵⁰ Recognising that a premature public announcement by HMG restating their intention to establish the Council might result in a non-cooperationist Executive being returned (for example, one dominated by Ze'ev Jabotinsky's Revisionist Zionists), he saw merit in initiating a brief delay in order to avoid such an outcome. Having received confirmation from Arab notables that a delay would not negatively impact upon the stability of the country, and assured the Zionists that no further delays would be contemplated, he approved MacDonald's recommendation on the condition that confidential discussions with the Arab and Jewish leaderships might begin immediately, prior to a formal announcement regarding the Council being made shortly after the Zionist Executive elections had been concluded.¹⁵¹ It is clear that by this time Wauchope was wary of the negative impact that further delays might have on the attitude of the Arab population, hence his keenness to sustain progress on this matter.

B. Formal negotiations with Arab and Jewish leaderships, July-August 1935

Wauchope met with Ben Gurion and leader of the Jewish Agency, Moshe Shertok, in late July.¹⁵² Having been under the impression that Shertok in particular was warming to the idea of the Council, Wauchope was disappointed to hear the two

¹⁴⁹ CO 733/275/1 MacDonald to Wauchope 19/6/1935

¹⁵⁰ CO 733/275/1 Wauchope to MacDonald 28/6/1935

¹⁵¹ CO 733/275/1 Wauchope to MacDonald 28/6/1935 – Wauchope was particularly concerned by the prospect of undermining Weizmann's position. Weizmann had accepted an offer to return as President of the Zionist Executive having resigned in protest at the White Paper of 1930 (see CO 733/275/1 Wauchope to Cunliffe-Lister 6/6/1935)

¹⁵² CO 733/275/1 Wauchope to Parkinson 22/7/1935

men lay out the extent of opposition to the Council throughout the Jewish Agency. According to Ben Gurion, who had recently returned from America, the last words his Agency colleagues there had spoken to him had been, ‘No Legislative Council!’ The general consensus, Wauchope was informed, was that there would be no willingness to accept any Council *even if based on parity*, a stubbornness that Rose has attributed to the Zionists’ “endemic suspicion of the Palestine Administration” and a widely-held belief that the Council would result in the British inevitably yielding to Arab demands to curb the development of the JNH.¹⁵³

Attempts to engage with the Arab leadership were complicated by the fact that, in 1934, following the death of Musa Kazim al-Husayni, the Arab Executive had folded, to be replaced by five major political parties, headed in the majority by prominent members of notable families. These parties, which included the Palestine Arab Party (*Hizb al-‘Arabi al-Filastini* – headed by Jamal al-Husayni), the National Defence Party (*Hizb al-Difa’ al-Watani* – headed by Ragheb Bey Nashishibi), the Congress of Arab Youth (headed by Ya’qub Ghusayn), the Reform Party (*Hizb al-Islah* – nominally headed by Dr. Husayn al-Khalidi) and the National Bloc Party (*Hizb al-Kutlah al-Wataniyah* – headed by ‘Abd al-Latif Salah) were, in the words of Yapp, “largely vehicles of the ambitions of their leaders”¹⁵⁴ although each espoused an Arab nationalist agenda advocating either Palestinian independence or pan-Arab unity.¹⁵⁵

Wauchope consulted members of some of these factions and other influential Palestinians in several meetings held between 22nd and 27th July.¹⁵⁶ There was a shared

¹⁵³ Rose, *The Gentile Zionists*, 58

¹⁵⁴ Malcolm Yapp, *The Near East Since the First World War* (London: Longman, 1991) 122

¹⁵⁵ Matthews, *Confronting an Empire, Constructing a Nation*, 226-7

¹⁵⁶ CO 733-275-1 Wauchope held meetings with Jamal and Amin al-Husayni, Ragheb Bey Nashishibi, Ya’coub Farraj and Judge Francis Khayat.

belief amongst these men that the five seats afforded to nominated Jewish members was excessive and that the franchise should be limited to Palestinian citizens, thereby precluding recent immigrants and diaspora Jews from influencing the elections.¹⁵⁷ There was also unanimous agreement that no topics of discussion should be excluded from the purview of the Council. Other matters, such as the preferred method of election or the legitimacy of the President's veto right proved more divisive, with opinion appearing to be shaped more by the perceived benefit to individuals than to the Arab population as a whole. For example, Ragheb Bey Nashishibi, whose popularity amongst the Arab population had declined significantly since its zenith in 1928/9, and who had in 1934 lost the mayoralty of Jerusalem to Husayn al-Khalidi,¹⁵⁸ voiced his preference for an entirely nominated Council, knowing that his continued preference for engagement with government would guarantee him a seat that could not be assured via election.¹⁵⁹ The Mufti and Jamal al-Husayni, on the other hand, preferred direct election, recognising that the system would maximise their return given their influence amongst the majority *fellahin*. The factionalism within Arab politics that emerged following the collapse of the Arab Executive therefore resulted in a divergence of attitudes towards the Council, adding a further level of uncertainty and complication to Wauchope's plans.

Despite the extent of the Zionist opposition and the various and sometimes divergent objections voiced by the Arab leadership, Wauchope, whose fundamental calculations regarding the Council remained obstinately unaltered, did not appear to interpret the outcome as entirely negative and he suggested to MacDonald in early August that there remained a strong argument for proceeding with the Council's

¹⁵⁷ CO 733/275/1 Wauchope to MacDonald 5/8/1935 and accompanying minutes

¹⁵⁸ Matthews, *Confronting an Empire, Constructing a Nation*, 221

¹⁵⁹ CO 733/275/1 Wauchope to MacDonald 5/8/1935 and accompanying minutes

establishment.¹⁶⁰ There is no evidence that this position was in any way challenged by MacDonald, further evidence of the extent to which Wauchope had developed an impressive degree of autonomy on this matter having gained the trust and respect of the Colonial Office and Cabinet. Following the conclusion of these preliminary discussions Wauchope returned to London in order to extricate himself from the politically charged environment until the elections for the Zionist Executive had been concluded. Meanwhile, Colonial Office officials began work on formalising the draft Order-in-Council promulgating the Legislative Council in anticipation of further negotiations and an official announcement upon Wauchope's return to Palestine.¹⁶¹

C. Disturbances recur, October-December 1935

The uneasy stability that had existed in Palestine since the rioting of October 1933 was broken following the discovery on 16th October 1935 by Arab dock workers in Jaffa of a Jewish weapons shipment.¹⁶² Fears that the *Yishuv* were arming themselves in preparation for conflict permeated throughout the Arab community, prompting a General Strike to be organised for October 26th, during which all elements of the Arab political leadership temporarily suspended their differences in order to participate. However, subsequent developments demonstrated the extent to which the leadership of the notables had come to be seen as unrepresentative and out of touch by large sections of the Arab population. Nationalist leaders and youth groups publicly denounced the mooted Legislative Council as inadequate and incompatible with Arab nationalist ambitions, blamed Wauchope personally for the plight of Arab workers who faced discrimination in employment and a rapidly deteriorating economic situation, and called

¹⁶⁰ CO 733/275/1 Wauchope to MacDonald 5/8/1935

¹⁶¹ CO 733/275/1 Colonial Office to Sir John Hall 19/8/1935

¹⁶² John and Hadawi, *Palestine Diary*, 251

for a further strike to be held on November 13th in order to coincide with the High Commissioner's return to Palestine. Meanwhile, notable leadership and their parties, reluctant to confront the government with further Council discussions looming, discouraged participation in the proposed strike, satisfying themselves instead with the presentation of a petition of grievances to the government that included calls for the establishment in Palestine of democratic government; the prohibition of transfer of Arab lands to Jews; and the cessation of all Jewish immigration into Palestine until a committee could be formed capable of determining the precise economic absorptive capacity of the country.¹⁶³

When Wauchope returned to Palestine he found large parts of the country participating in the strike, in direct contravention of the wishes of the notables. Armed with more sophisticated methods of mobilisation than they had been in 1933, and buoyed by the recently acquired support of urban workers' unions such as the Arab Workers' Society, the nationalists had exploited the highly politicised state of the Arab popular consciousness to prompt tens of thousands to contravene the political guidance of the notables, whom Akram Zu'aytir of the *Istiqlal* publicly accused of being guilty of a "bankruptcy of leadership."¹⁶⁴ With more than one fifth of the *fellahin* believed to have been in a state of landlessness by 1935 and with a record 60 000 Jewish immigrants having legally entered Palestine that year,¹⁶⁵ the notables decision to advocate continued cooperation with government in the face of widespread popular

¹⁶³ Matthews, *Confronting an Empire...*, 240 and John and Hadawi, *Palestine Diary*, 253

¹⁶⁴ Matthews, *Confronting an Empire...*, 242

¹⁶⁵ CO 733/278/13 Wauchope to Thomas 7/12/1935

dissatisfaction demonstrated what Matthews has described as the “yawning gap between the national leaders and the nation they purported to represent.”¹⁶⁶

The continued deterioration in the political credibility of the notables appeared to present a significant challenge to British Palestine policy generally and, by further polarising the political atmosphere within the country and thereby reducing the incentives for political compromise, to the hopes for securing the establishment of a Legislative Council more specifically. The unfavourable situation in Arab politics was exacerbated by the death in November of Sheikh Izz al-Din al-Qassam, who had emerged as a supporter of planned violence against British and Zionist targets as early as 1929.¹⁶⁷ Following the murder of a British officer in which al-Qassam and his supporters were implicated, the Sheikh was killed in a shoot-out with British troops in the hills around Nablus. The outpouring of grief at his funeral, which was attended by many thousands of urban and rural Arabs but not by any element of the notable elite, demonstrated the extent to which the ideal of militant action as a form of popular protest against the Mandate had begun to gain currency amongst the Palestinian Arab population.¹⁶⁸

D. The British respond to the disturbances, December 1935

Wauchope’s assumptions about the ultimate reconcilability of Arab and Jewish political ambitions were apparently unaltered by the developments of autumn 1935. He did however appear to interpret the growing risk of unrest as warranting an expansion of the palliative policy initiatives he had developed in the wake of the 1933 disturbances.

¹⁶⁶ Matthews, *Confronting an Empire...*, 242

¹⁶⁷ William B. Quandt and Anne Mosley Lesch and Fuad Jabber, *The Politics of Palestinian Nationalism* (Berkeley: University of California Press, 1973) 33

¹⁶⁸ Quandt et al. *The Politics of Palestinian Nationalism*, 33

This amounted to a belief that, without in any way compromising the British commitment to the JNH, further concessions should be made to the Arabs in order to allay their fears of Jewish political and economic domination which, although Wauchope considered “imaginary”,¹⁶⁹ certainly posed a threat to the stability of the country if not successfully allayed.

In a tacit acknowledgement that his attempts thus far to bring the ruler and ruled into greater sympathy and to encourage goodwill between the Arabs and Jews had largely failed, Wauchope recommended that legislation be enacted to protect those Arab cultivators of small land plots who had continued to suffer deprivation and landlessness despite the promulgation of Protection of Cultivators Ordinances in 1933 and 1934.¹⁷⁰ This was accompanied by a suggestion that Jewish immigration into Palestine, which by this stage even Wauchope admitted was in excess of the economic absorptive capacity of the country, should be subject to as yet unspecified restrictions. Finally, Wauchope recommended that HMG proceed swiftly with the establishment of the Legislative Council in an attempt to undermine the claim of the nationalists that the Arabs were lacking in any form of political autonomy. Wauchope’s policy prescriptions were met with little resistance from Colonial Office officials or from the new Colonial Secretary James Henry Thomas, who had replaced MacDonald in November. However, as will be explained more fully in the following chapter, it quickly became clear that Thomas, although lacking the political influence to halt Wauchope’s Legislative Council policy,

¹⁶⁹ CO 733/278/13 Wauchope to Thomas 7/12/1935

¹⁷⁰ CO 733/278/13 Wauchope to Thomas 7/12/1935

was clearly unenthusiastic about it, interpreting it as an unwelcome obligation inherited from his predecessors.¹⁷¹

E. HMG announces the composition and powers of the Council, December 1935

By the end of December 1935, almost four years after he had first been invited to consider the question of the Legislative Council, Wauchope was finally ready to issue a formal statement outlining the proposed composition and powers of the institution, an important step that, although not signifying the imminent establishment of the Council (privately Wauchope estimated that administrative issues would prevent the Council being established before late 1936 at the earliest¹⁷²), certainly should be interpreted as a statement of intent on HMG's part.

Despite the lack of any guarantee that his proposals would ultimately be considered acceptable by either community, Wauchope presented his ideas to a collection of Arab and Jewish leaders on 21st and 22nd December, respectively. The Council he proposed was very similar to that which had been sketched by the High Commissioner and Cunliffe-Lister's Colonial Office staffers in 1934.¹⁷³ However, several important changes had been implemented. Due to what we must assume was additional concern about the depth of Arab anti-Mandatory sentiment, Wauchope had altered the structure of the Council to grant certain concessions to the grievances expressed by Arab leaders in July in the hope that they would increase the likelihood of Arab participation. Crucially, these concessions were made in such a way so as not to

¹⁷¹ M. Cohen, *Palestine to Israel: From Mandate to Independence* (London: Frank Cass, 1988) 45

¹⁷² CO 733/275/1 Wauchope to Cunliffe-Lister 6/6/1935

¹⁷³ CO 733/293/3 Wauchope to Thomas 24/12/1935, Annex 1, entd. – 'Address by Sir A/ Wauchope to Arab and Jewish leaders – 21st and 22nd December, 1935') – This document is reproduced in full in the Appendix of this study.

undermine those central pillars of the Council's structure that were designed to protect the Jewish minority from Arab anti-Zionist or anti-Mandatory behaviour. One example of this lay in the decision to reduce the number of nominated Jewish members from five to four whilst increasing the number of commercial members from one to two in order to preserve the equality between the Arab bloc and the Jewish-official bloc and preventing the Arabs achieving a dominant position in Council proceedings.

Likewise, on the matter of the Council's purview, the clause forbidding articles or contributions deemed "repugnant to the Mandate" was formally abandoned in favour of one that forbade contributions that "call[ed] in question the validity of the Mandate" or that "suggest[ed] that the Mandate should be abolished or ought to be disregarded..." Although arguably just as vague as its predecessor, the latter appeared to permit challenges to Mandatory policy so long as the overall framework of the Mandate was not called into question. As such, it may well be interpreted as an offer for broad negotiating powers designed to persuade the Arab leadership to participate in the Council whilst preserving a constitutional safeguard for the Zionists beyond the veto of the Council's President.

Several other more practical innovations that had been mooted in 1934 were formalised in the December 1935 presentation. This included the exclusion of the High Commissioner as President of the Council in favour of an "impartial person unconnected with Palestine, probably with judicial experience." This reflected Wauchop's long-held concern that his own participation in Council proceedings would risk compromising what he perceived to be his position of neutrality between the Arabs

and Jews which he considered to be of great value in mediating disputes.¹⁷⁴ Finally, Wauchope clarified that, although the Council scheme would be scrapped should both communities reject it, should only one community refuse to participate then the High Commissioner would have the power to nominate officials or “such persons as he may think fit” to sit in their place(s).¹⁷⁵ This was an undeniable strength in Wauchope’s strategy for encouraging Zionist participation in the Council and was presumably at the root of his continued optimism regarding the feasibility of the institution. Aware that the Zionists would risk doing serious damage to their image as a democratic movement by refusing to engage with the institution (it is unclear whether or not Wauchope knew that this was a consideration that Weizmann and others had struggled with in 1922/3), Wauchope reasoned that if he could persuade the Arabs to participate then there was every chance that the Zionists would be forced to do the same, even despite their persistent and unyielding reservations.¹⁷⁶

On 21st December 1935, in the context of increasing anti-Mandatory unrest in Arab villages across Palestine and suggestions that the population of Transjordan was, for the first time, mobilising in solidarity with Palestinian Arabs,¹⁷⁷ Wauchope convened Ragheb Nashishibi, Jamal al-Husayni, Ishaq al-Budeiri, Abdul Latif Salah, Yakub Ghussayn, Yakub Farraj and Alfred Rok in Government House.¹⁷⁸ In his initial correspondences with Thomas in early December, Wauchope had expressed his belief that desperation on the part of the notables to claw back political influence from the

¹⁷⁴ However, as Chairman of the Executive Council the High Commissioner retained the power to prorogue or to dissolve the Legislative Council at any time.

¹⁷⁵ CO 733/293/3 Wauchope to Thomas 24/12/1935, Annex 1, entd. – ‘Address by Sir A/ Wauchope to Arab and Jewish leaders – 21st and 22nd December, 1935’)

¹⁷⁶ CO 733/275/1 Wauchope to MacDonald 28/6/1935

¹⁷⁷ CAB 24/259 CP 3(36)

¹⁷⁸ Nashishibi and Farraj were representatives of the National Defence Party, Jamal al-Husayni and Alfred Rok of the Palestine Arab Party, Abdul Latif Salah of the National Bloc, Ishaq Buderer of the Reform Party and Yacub Ghussayn of the Arab Youth Conference.

nationalists would increase their willingness to abandon the factionalism and petty disagreements that had become apparent in July and unite in their acceptance of the British offer to participate in the Council, even though it fell well short of the full democratic measures they had demanded.¹⁷⁹ The response of the Arab leadership to his proposals was not as positive as Wauchope had expected.¹⁸⁰ Despite the concessions made by the British, the overall Arab attitude remained negative, with the notables criticising the overly small size of the quorum, the number of Jewish nominated members (which they believed was still too high!), and a refusal to accept the idea that recent Jewish immigrants should be allowed to vote, citing the belief that their inclusion in the franchise justified a larger number of Jewish Council representatives than might otherwise have been considered appropriate. Without accepting or rejecting Wauchope's proposals the Arab leadership requested time to put the scheme to their respective parties and awaited a fuller response from HMG to the demands they had issued the previous month.¹⁸¹

The following day, Wauchope made precisely the same presentation to Weizmann, Ben Gurion and Shertok of the Jewish Agency, Yitzhak Ben Zvi of the Va'ad Leumi and Rabbi Moshe Blau of Agudeth Israel. Their collective response was, unsurprisingly, one of outright rejection; a position that reflected a motion opposing the Legislative Council scheme passed at the Zionist Congress in Lucerne that same autumn.¹⁸² Speaking on behalf of the Zionist Congress and the Jewish Agency, Weizmann declared that the "grant of legislative power to those who openly repudiate the Mandate and oppose the Jewish National Home cannot but be regarded as an

¹⁷⁹ CO 733/278/13 Wauchope to Thomas 7/12/1935

¹⁸⁰ CO 733/293/3 Wauchope to Thomas 24/12/1935

¹⁸¹ A. M. Hyamson, *Palestine Under the Mandate*, (London: Methuen & Co. Ltd, 1960) 102

¹⁸² CO 733/293/3 Wauchope to Thomas 24/12/1935

infringement of the Mandate,” an opinion that was shared by the Va’ad Leumi representative. This position, combined with the continued complaint over the composition of the Council, indicated that, although the elections to the Zionist Executive had indeed returned Weizmann as President and had therefore guaranteed continued cooperation between the official Zionist leadership and the British government, the attitude of the Congress as a whole had not changed vis-à-vis constitutional reform.

The offer of the Legislative Council was supplemented on 29th January 1936 by a series of Cabinet approved initiatives designed to serve as a response to the Arab demands of November.¹⁸³ In each of the three principle areas of grievance (government, land and immigration) HMG’s response fell well short of the Arab demands; the call for full democratic government was answered with the offer of the Legislative Council as detailed above; the call for a suspension of the sale of land from Arabs to Jews was met with the initiation of legislation designed to establish the inalienability of a subsistence portion of land for Arab agriculturalists in order to curb growing levels of landlessness; and the call for the temporary suspension of Jewish immigration into Palestine until such a time as the economic absorptive capacity of the country could be discerned was met only with the establishment of a Statistical Bureau designed to set immigration quotas in response to periodical surveys of Palestinian trade, industry and agriculture.

Although the Cabinet refused to accept Wauchope’s recommendation that specific limitations be placed on Jewish immigration,¹⁸⁴ the High Commissioner, whose

¹⁸³ CAB 23/83 – Minutes of Cabinet Meeting 15/1/1936

¹⁸⁴ The precise reasons for Cabinet’s refusal to endorse these measures are not mentioned in the minutes of the relevant Cabinet meeting but it may reasonably be assumed that such restrictions were considered a violation of the interpretation of the Passfield White Paper issued by former Prime Minister MacDonald

tenure was renewed for a further five years in January 1936, remained confident that the package of reforms proposed by HMG was sufficient to allay Arab fears of political and economic domination by the country's Jewish population. As far as the Legislative Council scheme was concerned, Wauchope estimated that the majority of the Arab leadership would accept the proposal presented to them in December 1935,¹⁸⁵ an outcome that, according to his own calculations, would place the moderate Zionist leadership in a predicament that would effectively see them strong-armed into participating.

F. Conclusion

This chapter has demonstrated how, by 1935, Wauchope's argument that the Legislative Council was a necessary and feasible policy capable of restoring Arab faith in the Mandatory authorities and bringing the Arab and Jewish communities into greater harmony had become uncritically accepted by the entire British Palestine policy making apparatus, even if many did not share his enthusiasm for the idea of forced constitutional reform. Wauchope's willingness to operate within the policy parameters laid down in the MacDonald 'Black Letter' and his ability to persuade the Colonial Office and Cabinet that the Council was not an anti-Zionist measure, had imbued him with an impressive degree of autonomy when it came to developing Palestine policy, autonomy that appeared to be beyond the influence even of reticent Colonial Secretaries and that allowed him to drive the policy forward in the last six months of 1935 despite unprecedented levels of Zionist opposition.

in January 1931. The establishment of the Statistical Bureau to scrutinise immigration quotas was therefore a compromise between the positions of the High Commissioner and Cabinet.

¹⁸⁵ CAB 24/259 CP 2(36) – A Memorandum by the Secretary of State for the Colonies entitled, 'Palestine: Legislative Council' (Appendix)

Alongside the consolidation of Wauchope's undisputed prowess, the other defining feature of this period was the High Commissioner's attempts to buttress the political influence of those Arab and Jewish leaders who were considered to be moderate and therefore likely to accept compromises that he believed were necessary for the successful continuation of the Mandate. The fetishisation of moderation by Wauchope therefore continued despite any tangible evidence that it existed on either side. Central to Wauchope's optimism regarding the feasibility of the Council scheme was the belief that the Zionists, whose opposition had crystallised further, would be unable to refuse to participate should the Arabs, who Wauchope had sought to appease with a new array of legislation, accepted. Wauchope's reasoning, although not without merit, failed to account for the strength of pro-Zionist sentiment that existed in the British parliament and the capacity of the Zionists to shift the centre of gravity of the political debate surrounding the Legislative Council from Palestine, where Wauchope was king, to Westminster, where the policy would be subjected to a degree of scrutiny during the first few months of 1936 that would ultimately result in its effective abandonment, developments that will be examined in the following chapter.

CHAPTER FIVE: JANUARY – MAY 1936

This chapter, the last to trace the evolution of the Legislative Council, examines the way in which the policy ultimately collapsed in the context of the nascent Arab Revolt and following the emergence of widespread Parliamentary opposition in London. The chapter describes how, unexpected to HMG, political opinion sympathetic to the Zionist position of opposition to the Council was mobilised in both Houses of Parliament in February and March 1936, thereby establishing a political obstacle that prevented the Government from proceeding immediately with the promulgation of legislation providing for the envisaged constitutional reform. It is argued that failings on the part of HMG to foresee and head off this opposition resulted in the initiation of yet another delay which was interpreted in Palestine as evidence of British duplicity. Faced with unprecedented local agitation and apparently convinced that the diplomatic route was destined never to secure the reforms they desired, the Arab notables withdrew their tentative support for the Council, initiating instead a policy of non-cooperation, civil disobedience and violence that paved the way for HMG's endorsement of partition in 1937.

A. Legislative Council debate in the House of Lords, February 1936

At the end of January 1936 Thomas received notice that the question of the Palestinian Legislative Council was likely to come under Parliamentary scrutiny in the form of questions in both Houses of Parliament.¹⁸⁶ The news came in the context of noticeably increased agitation on the part of the Zionists following Wauchope's

¹⁸⁶ CO 733/293/3 Thomas to Wauchope 31/1/1936

announcement of the previous month and the circulation of rumours that HMG was mooting the promulgation of legislation placing restrictions on Jewish land purchase and immigration in Palestine. During December and January Thomas had received several visits from representatives of the Zionist leadership and from supporters of Zionism in Parliament expressing their opposition to the Council scheme and requesting to be updated on its progress.¹⁸⁷ Amongst the latter was a delegation of Zionist sympathisers who had been organised into a Parliamentary ‘pro-Palestine’ committee under the leadership of Gentile Zionist and leader of the League of the Seventh Dominion, Colonel Josiah Wedgwood (Lab: Newcastle-under-Lyme).¹⁸⁸ This trend continued into February when the Colonial Office received deputations from both the Jewish Agency¹⁸⁹ (led by Lord Melchett) and Agudeth Israel,¹⁹⁰ both of which were strongly opposed to the Council.

There is no indication from the internal Colonial Office correspondence that anyone believed the matter would be elevated to a full Parliamentary debate. Indeed, as Rose has argued, this was not even the intention of the Zionist leadership, who preferred the idea of encouraging their supporters in Parliament to use targeted questions to challenge the policy. It seems as if the initiative for a debate came not from the Zionists but from their Gentile supporters in Parliament, particularly those in the Labour Party, who conceived of it as a more effective way of challenging the Legislative Council.¹⁹¹

¹⁸⁷ Rose, *The Gentile Zionists*, 61 – included a meeting with Zionist representative Sieff and Sacher on 31/12/1935

¹⁸⁸ Rose, *The Gentile Zionists*, 60

¹⁸⁹ CO 733/293/8

¹⁹⁰ CO 733/293/10

¹⁹¹ Rose, *The Gentile Zionists*, 62

The matter was eventually raised in the House of Lords on 26th February when Lord Snell tabled a motion requesting a deferral of the Council's establishment.¹⁹² The debate, which was poorly attended,¹⁹³ displayed a unanimous opposition amongst contributors to the government's plans for constitutional reform in Palestine. Importantly, criticism came from Liberal, Labour and Conservative Peers, demonstrating the extent to which this opposition had apparent cross-party support.¹⁹⁴ Only Plymouth, speaking on behalf of HMG in his position as Under-Secretary of State for the Colonies, had anything positive to say about the proposals. Although not voted upon, the outcome of the debate amounted to "an expression of no confidence in the Government,"¹⁹⁵ even if the size of the turnout did not necessarily imply strongly held convictions throughout the House.

Of the nine Peers who spoke out against the Council, this author suggests that five were non-Jews known to be supportive of Zionism whilst several others were either Jewish themselves or had interest in the position of the Jewish people in Palestine.¹⁹⁶

¹⁹² HL Deb, 26 February 1936, vol 99, cc 750-795

¹⁹³ HL Deb, 26 February 1936, vol 99, cc 757 – Earl Lytton noted in his opening remarks that the subject of the debate was "much more important...than the attendance in your Lordships' House this afternoon would lead anyone to suppose."

¹⁹⁴ HL Deb, 26 February 1936, vol 99, cc 790 – Viscount Cecil of Chelwood commented that, "I do not think I have ever listened to a debate in this House where there has been such complete unanimity of opinion in every section of the House—Labour Party, Liberal Party and, if I may say so, Diehard Party [Conservative Party]..."

¹⁹⁵ Rose, *The Gentile Zionists*, 61

¹⁹⁶ Participants included Viscount Cecil of Chelwood, Lord Lothian, Lord Snell, Earl Lytton, Lord Melchett, Lord Jessel, Lord Mansfield, Lord Marley and Viscount Elibank, as well as Plymouth. In *The Question of Palestine: British-Arab-Jewish Relations, 1914-1918* (NJ: Transaction, 1992) 159, Isiah Friedman argues that Lord Robert Cecil's "imagination had been captured by the Zionist idea as early as 1906. Later he was convinced that its implementation 'was of vital importance to the world. A nation without a country of its own is an anomaly, and anomalies bring trouble.'" Earl Lytton was closely associated with the Zionist movement through his personal connections with Weizmann and his position as Chairman of the Palestine Potash Company, as noted in this article from the Jewish Telegraphic Agency, 1931 (<http://www.jta.org/1931/02/07/archive/colonel-lawrence-no-opponent-of-jewish-national-home-earl-lytton-declares>). Lord Lothian served as Personal Secretary to Prime Minister David Lloyd-George during the War Cabinet era and was also an advisor on foreign policy issues. He was also involved in the Zionist response to the Peel Commission's partition recommendation in 1937 – Rose, *The Gentile Zionists*, 213. In "The Mystery of Lord Marley," *Jewish Quarterly*, Vol. 52, No. 2 (Summer

The precise manner in which these men came to participate in the debate is not entirely clear but the political leanings of the majority indicate that it would perhaps be naive to suggest that they were motivated only by an objective interest in the feasibility of constitutional reform in Palestine. Whilst it is unlikely that the opposition to the Council was centrally organised by the Zionist leadership (as evidenced by the lack of homogeneity in the speakers' contributions) it is undeniable that the prevailing themes of the debate bore astonishing similarity to the line publicly promoted by Weizmann and co., namely that the terms of the dual obligation were fully reconcilable but that, due to the unfortunate state of Arab-Jewish relations, it was both legitimate and prudent to delay attempts to establish a further degree of self-government until conditions in Palestine were more favourable.

This argument was made in several different ways. For example, Lord Snell, leader of the opposition in the Lords, argued that the 1930 pledge to establish the Legislative Council implied "nothing urgent or imperative"¹⁹⁷ and that yet another delay could and should be initiated whilst further efforts were made to develop local government as a way of improving inter-communal relations. Multiple speakers endorsed Snell's suggestion of delay and not one appeared to consider the prevailing degree of Arab anti-Mandate sentiment as grounds for a swift establishment of the Council. HMG's suggestion that the Council would assist in the development of Arab-Jewish political cooperation also came in for stern criticism, with Earl Lytton arguing that the immediate establishment of the Council would "still further to embitter"¹⁹⁸

2005) 65-69, Nicole Taylor argues that Marley supported the emancipation of the Jewish people not through the establishment of a JNH in Palestine but through economic support for the Jews of eastern and central Europe and through the development of a little known Soviet autonomous region in Siberia.

¹⁹⁷ HL Deb, 26 February 1936, vol 99, cc 752

¹⁹⁸ HL Deb, 26 February 1936, vol 99, cc 758

relations and Lord Lothian going so far as to suggest that the Council might be a “fatal mistake”¹⁹⁹ as far as cultivating inter-communal cooperation was concerned. The final assumption to come under attack was HMG’s stated belief that the Council would be in no way inimical to the development of the JNH. This position was rejected by Lord Melchett who claimed that the composition of the Council would inevitably cement Jewish minority status in Palestine²⁰⁰ whilst Viscount Elibank suggested that the Council would guarantee “Arab supremacy” and wouldn’t “give a square deal to the Jews.”²⁰¹

B. Legislative Council debate in the House of Commons, March 1936

Less than one month later the question of the Legislative Council was raised in the House of Commons.²⁰² The debate, which was initiated as part of a discussion of the Consolidated Funds Bill on 24th March by Wedgwood, lasted almost five hours and, as had been the case in the Lords, demonstrated definite cross-party opposition to the idea of a Council being established at the present time. Of the sixteen MPs who rose to discuss the issue, all except one were opposed to HMG’s policy, including nine back bench members of the Conservative majority, several of whom had extensive experience in dealing with the question of Palestine.²⁰³

¹⁹⁹ HL Deb, 26 February 1936, vol 99, cc 763

²⁰⁰ HL Deb, 26 February 1936, vol 99, cc 773

²⁰¹ HL Deb, 26 February 1936, vol 99, cc 767

²⁰² HC Deb, 24 March 1936, vol 310, cc 1079-1150

²⁰³ In addition to the Colonial Secretary, the participants in this debate were Col. Josiah Wedgwood MP (Lab: Newcastle-under-Lyme), Earl Winterton MP (Con: Horsham), Anthony Crossley MP (Con: Stretford), Archibald Sinclair MP (Lib: Caithness and Sutherland), Winston Churchill MP (Con: Epping), Austen Chamberlain MP (Con: Birmingham West), George Mathers MP (Lab: Linlithgowshire), Cpt. Victor Cazalet MP (Con: Chippenham), Robert Boothby MP (Con: Aberdeen East), Col. Douglas Clifton Brown MP (Con: Hexham), Daniel Hopkin MP (Lab: Carmarthen), Leopold Amery MP (Con: Birmingham South), Sydney Silverman MP (Lab: Nelson and Colne), Marcus Samuel MP (Con: Putney), Major Henry Adam Procter MP (Con: Accrington), Tom Williams MP (Lab: Don Valley)

The informal coalition of anti-Council MPs was dominated by Gentile Zionists, some of whom, such as Liberal leader Archibald Sinclair (Lib: Caithness and Sutherland), Winston Churchill (Con: Epping), Austen Chamberlain (Con: Birmingham West) and Leopold Amery (Con: Birmingham South) were apparently mobilised to speak by Wedgwood, perhaps the most consistently outspoken supporter of the Zionist movement in Parliament.²⁰⁴ These men were joined by several other long time supporters of Zionism such as Tom Williams (Lab: Don Valley)²⁰⁵ and Cpt. Victor Cazalet (Con: Chippenham).²⁰⁶ The themes of the debate were similar to those that emerged in the Lords, and, as summarised by Thomas after the event, focussed on the idea that pledges made...

Did not bind HMG to set up a Legislative Council within any given time, that a much longer period of training in municipal government was required before a Legislative Council was embarked upon and that the establishment of a Legislative Council in present circumstances was much more likely to exacerbate relations between Arabs and Jews than to improve them.²⁰⁷

Citing the suffering of European Jewry and the unpreparedness of the Palestinian Arabs for political responsibility as grounds on which to support their position, the majority advocated a preservation of the constitutional *status quo*.²⁰⁸ Of all the speakers, only Col. Douglas Clifton Brown (Con: Hexham) was supportive of the idea of the Council, which he saw as a necessity if regional Arab unrest was to be prevented and friendly British relations with Arab states preserved.²⁰⁹ Throughout the

²⁰⁴ Rose, *The Gentile Zionists*, 62

²⁰⁵ Rose, *The Gentile Zionists*, 59 notes that Williams was part of Wedgwood's parliamentary 'pro-Palestine' delegation that visited Thomas at the Colonial Office on 17/12/1935.

²⁰⁶ Gilbert, *Churchill and the Jews*, p120-1

²⁰⁷ CO 733/293/4 – Thomas to Wauchope 25/3/1936

²⁰⁸ HL Deb, 26 February 1936, vol 99, cc 1115 - This was evident when former Colonial Secretary Churchill told Thomas, "Do not be in a hurry to overturn the existing system. It is working very well."

²⁰⁹ HL Deb, 26 February 1936, vol 99, cc 1124

debate positive assessments of the Jewish impact on the Arab economy abounded,²¹⁰ as did the belief that local government could be used to improve Arab-Jewish political cooperation as a precursor to more far reaching self-government at a later date. These popular Zionist tropes, which went largely unchallenged,²¹¹ were interpreted by Thomas as evidence of the extent of what he referred to as “Jewish propaganda” circulating in Parliament at that time.²¹²

Thomas’s own performance in the debate was solid if unremarkable. It was well known that he was not an enthusiastic supporter of the Council, which he viewed as an unwelcome inheritance from his predecessors.²¹³ However, although he privately hoped that the policy would be either dropped or delayed – an admission he made to Zionist leaders Sieff and Sacher in December 1935²¹⁴ - he was bound to support HMG’s position by the recognition that any attempt to slow or stall progress might result in High Commissioner Wauchope, who had invested so much of his personal credibility into the Council, being forced to resign, an outcome that Thomas envisaged as being a “real disaster.”²¹⁵ Like Plymouth in the Lords, Thomas’ attempts to persuade the House of the merits of the Council policy were impeded by his inability to emphasise the threat

²¹⁰ The question of Arab landlessness and dispossession received particular attention during this debate. For example, Sinclair (cc1096) quoted the official number of landless Arabs (656) as evidence that the problem of Arab landlessness was merely “a figment of our political discourse.” There appeared to be no recognition amongst the majority of contributors that the Palestine Administration’s definition of the term ‘landless’ had been made so narrow so as to preclude those such as the estimated 11 000 Arabs living in shanty towns in and around Haifa – Boyle, *The Betrayal of Palestine*, 191

²¹¹ HL Deb, 26 February 1936, vol 99, cc 1092 - Criticism of this position did come from Anthony Crossley (Con: Stretford), who suggested that a ‘cantonisation’ of the country was necessary on the grounds that the Mandate was “a contradiction in terms” and that it was not possible to “make a small country a national home for a great world people without, at the same time, prejudicing the rights of existing inhabitants.”

²¹² CAB 24 / 261 – CO 95 (36) – Memorandum by the Secretary of State for the Colonies entd. ‘Palestine: Establishment of a Legislative Council,’ 30/3/1936, Annex 4 – Thomas to Wauchope 25/3/1936

²¹³ Cohen 1988

²¹⁴ Rose, *The Gentile Zionists*, 61

²¹⁵ CAB 24/259 - CP 2(36) – Memorandum by the Secretary of State for the Colonies entd ‘Palestine: Legislative Council’ (January 1936) – Appendix.

of increased Arab agitation and unrest should HMG not proceed immediately, an argument that would have risked portraying HMG as yielding to the threat of violence and one that might have established a terrible precedent and been poorly received in Parliament.²¹⁶ As a result, he was forced to rely on the terms of the Passfield White Paper as the sole justification for reform, thereby playing into the hands of those who argued that the pledge contained no precise time commitment and that further delay was therefore legitimate.

Following the House of Lords debate both Wauchope and Parkinson had advocated persevering with the Council in the face of what they perceived to be surmountable Parliamentary opposition and positive signs regarding the willingness of Arab leaders to participate.²¹⁷ However, the outcome of the Commons debate prompted Cabinet to reconsider this position. Having succeeded in keeping the Council outside the purview of Parliament since informal discussions began in early 1932, there is little evidence to suggest that either Cabinet or Colonial Office anticipated the barrage of criticisms that emerged in February and March 1936. Such opposition was anomalous for, as Sheffer has noted, Parliament was certainly not considered a locus of power in the Colonial policy making process.²¹⁸ Widespread dissent on these matters was rare and any government with a majority of the sort that Baldwin's Conservative-dominated Third National Ministry enjoyed in 1936 could typically expect to be "unfettered in

²¹⁶ CAB 24 / 261 – CO 95 (36) – Memorandum by the Secretary of State for the Colonies entd. 'Palestine: Establishment of a Legislative Council,' 30/3/1936, Annex 4 – Thomas to Wauchope 25/3/1936

²¹⁷ Porath, *The Emergence of the Palestinian Arab National Movement, Volume 2*, 152 and CO 733/293/4 Wauchope to Thomas 22/2/1936 - Wauchope wrote, "I am satisfied that the tide of opinion is flowing steadily in favour of the Legislative Council in Palestine on the lines proposed by the government. Some accept without qualification; amendments are suggested by some without making their refusal a ground for rejection; a negligible minority reject the offer uncompromisingly. If the government now go steadily forward and no extraneous factors arise, then I feel confident that the great bulk of the Arabs will be ready to take part in the election and participate in the work of the Legislative Council."

²¹⁸ G. Sheffer, "British Colonial Policy Making towards Palestine, 1929-1939," *Middle Eastern Studies*, Vol. 14, No.3 (October 1978) 310

formulating and implementing its own [Colonial policy] decisions.’²¹⁹ The awkward informal cross-party coalition that opposed the Legislative Council posed an interesting problem.

In many ways the opposition that emerged from Clement Atlee’s Labour Party was to be expected, partly due to the dynamic of traditional party rivalry (ditto the Liberals on this count) and partly due to the prevailing support for Zionism that existed within the Party as a result of the synthesis of liberal imperialist and socialist ideals.²²⁰ The ten back-bench Tories who spoke out against the Council were more of a surprise. Even though the dissenting group was small in number it was unclear to what extent their position was representative of the Party as a whole. Together, the lack of pro-Government opinion expressed during the debate and the influence that men like former Colonial Secretaries Amery and Churchill might reasonably have been expected to exert on this question left HMG uncertain that they would be able to guarantee a satisfactory majority should the matter come to a vote. This opinion was reflected in the analysis Lord Melchett submitted to Shertok in the wake of the debates, in which he suggested that HMG might lose between fifty and sixty Conservative votes, leaving them with a slim majority of only sixty-odd should all Liberals and Labour come out against the Council.²²¹

C. Retreat from the Legislative Council? April-May 1936

Amongst the Palestine policy making community it was widely expected that the question of the Legislative Council would be put to a vote during the annual Colonial

²¹⁹ Sheffer, “British Colonial Policy Making Towards Palestine, 1929-1939,” 310

²²⁰ For a full assessment of the relationship between the British Labour Party and Zionism during this period see P. Kelemen, “Zionism and the British Labour Party: 1917-1939,” *Social History*, Vol. 21, No. 1 (January 1996) 71-87

²²¹ Rose, *The Gentile Zionists*, 62

Office debate scheduled to take place in July. Although the Colonial Office's Legal Advisor, Grattan Bushe, had made it known that, under the terms of the 1890 Foreign Jurisdiction Act, HMG was in a position to promulgate the necessary Order-in-Council without first referring to Parliament,²²² it appears that the prospect of proceeding with the Council policy in the face of such strong Parliamentary opposition prompted HMG to pause. As Marlowe has argued, the government could easily have made the Colonial Office vote (even if it was ultimately non-binding) a vote of confidence and, by putting the Whips on it, could presumably have secured the majority they sought.²²³ The fact that they didn't suggests that there was a lack of conviction amongst Cabinet members as to the merits of the Council policy or, at the very least, that the matter was not considered sufficiently important to warrant generating internal Party divisions over. There was certainly no call from the Colonial Secretary to face down the opposition, with Thomas, whose willingness to back Wauchope's plan had apparently diminished in the wake of the disastrous and humiliating Commons debate, wasting no time in proposing alternative policies designed to delay any immediate progress on the Council.²²⁴

As was common in Palestine policy making, Cabinet's eventual response can be traced back to the personal recommendations of the High Commissioner. Clearly disappointed by the turn of events in London, the High Commissioner maintained his belief that a failure to proceed with the establishment of the Council would inevitably result in Arab unrest although he recognised that the outcome of the debates placed

²²² CO 733/293/13 – Internal Colonial Office Memorandum on the subject of the 1890 Foreign Jurisdiction Act

²²³ J. Marlowe, *The Seat of Pilate*, 136

²²⁴ CO 733/293/4 – Thomas to Wauchope 25/3/1936

HMG in a difficult position.²²⁵ As an alternative to Thomas' recommendations that the government convene a British-Arab-Jewish round table discussion or dispatch a Commission of Inquiry to investigate the feasibility of establishing a Legislative Council²²⁶ (both of which Wauchope believed would be rejected by the Arabs) he suggested instead that an Arab delegation be invited to London to put their case for the Council before the Colonial Secretary in person. This, Wauchope believed, would be more acceptable to the Arab leaders. As a policy it effectively provided for an indeterminate delay to the establishment of the Council and allowed for the potential improvement of Parliamentary attitudes towards the institution without inciting Arab unrest by giving the impression that the scheme had been entirely withdrawn.

Wauchope's recommendation found favour with the Colonial Secretary who subsequently put it to Cabinet on 1st April.²²⁷ It is clear from the Cabinet minutes that Wauchope's calculations were shared by several Secretaries of State including the Marquess of Zetland (Secretary of State for India) and former Colonial Secretaries Cunliffe-Lister and MacDonald (Secretaries of State for Air and Dominion Affairs, respectively). However, whether or not the general consensus was that the invitation to London of an Arab delegation amounted to an underhanded cancellation of the Council is less clear. This is the argument presented by Porath, who suggests that the delegation idea was merely a "face saving device designed to disguise the withdrawal of the Legislative Council proposals."²²⁸ Whilst Porath's argument is not without merit it appears overly simplistic. The principal benefit of Wauchope's policy – one that must

²²⁵ CAB 24/261 CP 95 (36) Memorandum by Secretary of State for the Colonies entd. 'Palestine: Establishment of a Legislative Council' – Annex 5, Wauchope to Thomas 28/3/1936

²²⁶ CO 733/293/4 – Thomas to Wauchope 25/3/1936 – Both of these suggestions had been raised by participants in the House of Commons debate of 24/3/1936

²²⁷ CAB 23/83 – Minutes of Cabinet meeting, 1/4/1936

²²⁸ Porath, *The Emergence of the Palestinian Arab National Movement, Volume 2*, 157

have been recognised by both High Commissioner and Cabinet officials - was that it provided HMG with much needed time, thereby preventing the need to make a definite yes / no decision in a highly politicised climate. This was evident in the Cabinet adopting the position that the Council scheme was officially “delayed pending the visit of an Arab deputation to London.”²²⁹ However, it would be wrong to suggest that this led inevitably to the end of the policy. The Cabinet recommendations of 1st April also explicitly instructed Thomas to begin privately exerting pressure on those dissenting elements in Parliament, emphasising to them those realities that weren’t able to be raised in the debates such as the high threat of Arab violence if the Council wasn’t established and the likelihood that the development of the JNH might be seriously curtailed should such violence break out.²³⁰ This very much suggests that the abandonment of the policy was not at all inevitable and that it was the intention of HMG to proceed with their stated policy should it be possible to square away the domestic opposition that was, at present, preventing any further progress on the matter.

In the end, however, HMG’s policy towards the Council was outstripped by events inside Palestine. Shortly after the leaders of the five Arab parties had accepted Wauchope’s invitation to send a delegation to London the deaths of three Jews and two Arabs in inter-communal fighting precipitated an Arab General Strike.²³¹ On the Arab street, the outcome of the Parliamentary debates had been interpreted as evidence of “Jewish pecuniary influence” in British politics whilst HMG’s refusal to set a date for the establishment of the Council was seen as a general unwillingness to honour the

²²⁹ CAB 23/83 – Minutes of Cabinet meeting, 1/4/1936

²³⁰ CAB 23/83 – Minutes of Cabinet meeting, 1/4/1936

²³¹ A. M. Lesch in Quandt, Jaber and Mosely Lesch ed. *The Politics of Palestinian Nationalism*, 34

pledge.²³² This dissatisfaction almost certainly contributed to the unprecedented levels of social mobilisation amongst urban and rural communities that eventually prompted the leadership to abandon the delegation option, opting instead to establish an Arab Higher Committee (AHC) on 25 April charged with directing and coordinating the strike.²³³ Hajj Amin al-Husayni's decision to assume the Presidency of the AHC, which subsequently issued demands to the British for a suspension of Jewish immigration into Palestine pending the establishment of a national government responsible to a representative council, demonstrated the extent to which the moderate trend in Arab notable politics had been extinguished by its persistent inability to achieve constitutional reform through diplomacy.

Unwilling to cede any significant concessions to the Arabs in the face of violence, the Legislative Council policy was marginalised by HMG for the duration of the Arab Revolt, with policy instead geared towards securing the admission of a Commission of Inquiry designed with ascertaining the causes of the violence and prescribing potential solutions. Between the summer of 1936 and the time of the eventual publication of the Peel Commission report in 1937 there was no mention of the Legislative Council either in Cabinet or Colonial Office correspondence. In July 1937 the new Colonial Secretary, William Ormsby-Gore, who had replaced Thomas the previous year, informed the Permanent Mandates Commission in Geneva that the Legislative Council scheme had "failed both in Palestine and in London" and that "accordingly, we have to write off the idea of the possibility in the near future of a

²³² Porath, *The Emergence of the Palestinian Arab National Movement, Volume 2*, 158 and CAB 24/261 CP 99(36) - memo by SOS COL 31/3/36 - inc annex to AW to JHT 31/3/36 in which Wauchope informs Thomas that, "I am told on good authority that they [the Zionists] have boasted to the Arabs in private that they can square matters in London, the implication being that the Arabs have no effective access to Secretary of State."

²³³ Martin Kolinsky "The Collapse and Restoration of Public Security" in ed. Cohen and Kolinsky *Britain and the Middle East in the 1930s* (NY: St Martin's Press, 1992) 148

Legislative Council of Jews and Arabs as a way out of the difficulties before us.”²³⁴

This sentiment received formal recognition that same month in HMG’s endorsement of the partition of Palestine, an admission that the dual obligation, with which the British had struggled for almost two decades, had finally been deemed irreconcilable, thereby bringing an end to an important chapter in the political history of the country.

D. Conclusion

By January 1936 it seemed very much as if the momentum that Wauchope had generated towards the establishment of the Legislative Council would result in its imminent establishment. The manner in which the policy was suddenly attacked by an influential body of cross-party Parliamentarians certainly came as a shock to HMG who, it appears, had no inclination that such a scenario was developing. In the final analysis, this outcome might very well be attributed to a naivety on the part of the Cabinet and Colonial Office, both of whom must have been aware, following the Passfield White Paper affair, of the extent of Zionist sympathy that existed inside Parliament and of the likelihood that this would be mobilised in some way against the Council proposal. By failing to insulate the policy from Parliamentary criticism, either by generating a pro-Council cabal or by working behind the scenes to reconcile potential critics to its merits, the government made a rod for its own back, placing it in a position where it was forced to choose between delaying the policy with the inevitable risk of inciting unrest in Palestine, or proceeding with the policy and potentially sowing divisions at home. Although there is no suggestion whatsoever that the Legislative Council devised by Wauchope should be seen as a long-term sustainable solution to the constitutional

²³⁴ Minutes of the 32nd Extraordinary Session of the Permanent Mandates Commission 30/7/1937-18/8/1937

problems of Palestine, by choosing the latter option HMG undermined the last vestiges of hope the Arab population had in the British government and, it might very reasonably be argued, initiated the almost immediate slide towards the Arab Revolt and the widespread violence which eventually forced it to accept, albeit only temporarily, the unpalatable option of partition.

APPENDIX

Legislative Council – Address by Sir A. Wauchope to Arab and Jewish Leaders – 21st and 22nd December, 1935, Government House, Jerusalem

"Before explaining Government proposals as to the establishment of a Legislative Council for Palestine, in accordance with the pledge given by His Majesty's Government, I wish to recall to your minds that ever since the statement I made at Geneva some three years ago, I have given much thought, and sought the opinions of others, before deciding the lines on which a Legislative Council should be formed.

I said at Geneva that before forming a Legislative Council I wished to see the working of Municipal Councils under the Municipal Corporations Ordinance. These Municipal Councils are now, in my judgment, working satisfactorily, and I feel confident that if Government proposals for a Legislative Council are put into force, the Council will work for the general good of the people of Palestine.

The intention of His Majesty's Government in amending the Constitution of Palestine by introducing a Legislative Council is, in accordance with its long established tradition and common practice, to secure the advice and assistance of the people of the country in carrying on the government of the country. It is, as you know, one of our obligations to secure the development of self-governing institutions.

In order to secure these objects, we propose to throw open to the Council a wide field for debate and to impose on its deliberations such restrictions only as are essential to enable the High Commissioner to discharge his responsibilities and to fulfil the international obligations of His Majesty's Government.

I feel convinced that the Council will approach its duties with a real sense of responsibility, and will appreciate the difficulties of many of the problems which will come before it.

Consequently I am confident that the occasions for applying these restrictions will be rare, and will not detract from the fundamental motive underlying our proposals, namely, that of securing through the Legislative Council the welfare and advancement of the people of Palestine.

Good order and security of person and property are essential to the welfare of every State, but goodwill is the basic element of well being: it is my belief that by means of this Legislative Council we shall find the road whereby good order may be ensured and goodwill enhanced.

Much of the history of Palestine of the next few years may well depend on the statesmanship and sense of responsibility which you leaders show towards the working of this Council.

In today's meeting I shall go through the main proposals which have been approved by His Majesty's Government.

I shall ask your advice on certain points which still remain undecided until I have heard your opinion.

As I go through the main proposals I shall be glad if gentlemen will raise questions on any matters which are not quite clear.

If the answer is simple, I will give it today: otherwise I will send it in writing.

The first matter which I will explain is the composition of the Council.

Composition of the Legislative Council

The Legislative Council will consist of 28 members made up as follows:

5 officials²³⁵

11 nominated unofficial (3 Muslims including 1 Bedu, 4 Jews, 2 Christian, 2 commercial)

12 elected (8 Muslims, 3 Jews, 1 Christian)

The allotment of the seats in the Council as among elected members is based upon the number of the different communities in the total population of Palestine: no revision of that distribution is contemplated within the five years' term of the Council.

The person presiding over the deliberations of the Council will be called the President (Arabic--Rais; Hebrew--Yoshev-Rosh), and will be appointed from outside Palestine.

In the event of an equality of votes a casting vote will be exercised by the senior official member.

A quorum will consist of six members.

The High Commissioner will have the right to open any session of the Council or may address the Council or send a message thereto.

The normal life of the Council will be five years. The normal Sessions of the Council would cover three months and, if found convenient, may be divided into two Sessions of six weeks each, the Sessions being held at periods convenient for the discussion of public business.

If any community refuses to take part in the Election, the High Commissioner will have the power to nominate either British officials or such persons as he may think fit, to their seats in the Council.

Powers of the President

The President will be some impartial person unconnected with Palestine, probably with judicial experience. He will neither debate nor vote.

Method of Election

Elected members will be elected by direct election. The question whether the number of constituencies will be equal to or fewer than the number of the elected members will be settled by the High Commissioner in consultation with leaders.

Qualification of Voters

(a) No literary test and no money test.

(b) Either Palestinian citizenship or legal residence in Palestine for two or three years preceding the date of registration as voters. This provision will apply to the first election and to any by-election of the first Council only. It is proposed that in any future elections only Palestinian citizens should be allowed to vote.

²³⁵ This number did not include the President of the Council, who neither participated in debates nor voted.

- (c) 25 years of age.
- (d) It is left for each community to decide whether it wishes its women to have the right to vote or not.

Qualification of Members other than Official Members

- (a) No person can be elected as a member of the Council who is less than 30 years of age.
- (b) An elected member must be a Palestinian citizen.

Payment of Members

Members other than official members will be paid.

The amount of the salary I suggest is £P.200 or £P.300 per annum.

Powers and duties of the Legislative Council

Subject to securing the fulfilment of the international obligations of His Majesty's Government and the High Commissioner's powers to maintain law, order and good government, the Legislative Council will have the following rights and duties:--

- (i) to debate on all Bills introduced by Government, to amend and to pass them for assent or dissent by the High Commissioner;
 - (ii) to introduce Bills, except Money Bills, subject to the consent of the High Commissioner;
 - (iii) to consider and debate on the annual budget; there would be a general debate and then the Estimates would be passed as a whole, after examination in Committee. There would be a limit set to the number of days during which the Estimates could be discussed. Any member moving a reduction of a vote would be required to state his reasons for doing so;
 - (iv) to propose any question of public interest for debate, provided that no vote for the expenditure of public money or the imposition of taxation may be proposed except by the direction of the High Commissioner, nor any resolution which in the opinion of the High Commissioner is likely to endanger the public peace;
- (The Council will have an opportunity of debating when dealing with the budget or in reply to the Address or on resolutions);
- (v) to ask questions of the Executive relative to the administration of government.

The Powers and Duties of the High Commissioner.

The powers and duties of the High Commissioner under the new Constitution must be of such a nature as to enable him to carry on the work of Government and to fulfil the international obligations of His Majesty's Government.

After a Bill has been passed by the Legislative Council it will not become a Law until it has been assented to by the High Commissioner.

If the High Commissioner shall consider that it is expedient in the interests of public faith or good government that any measure should have effect, then if the Council fail to pass any such measure within such a time as the High Commissioner may think reasonable and expedient, the High Commissioner may cause any such measure to be introduced, and, if it is

not then passed within a time specified by the High Commissioner, he may declare that any such measure shall have effect. It shall thereupon be an effective law.

If in the opinion of the High Commissioner urgent necessity shall arise when the Council is not sitting for measures to be taken for the maintenance of public order and security or for urgent expenditure or otherwise in the interests of good government, the High Commissioner in Executive Council may, with the approval of the Secretary of State, pass Ordinances directing the necessary measures to be taken.

He will have the power to prorogue or dissolve the Council.

The High Commissioner will also have the power in exceptional circumstances and with the approval of His Majesty's Government to postpone the holding of general elections after dissolution beyond the normal interval of twelve months.

The determination of Labour immigration schedules will rest as heretofore with the High Commissioner; but it will be open to any unofficial member of the Legislative Council to move a resolution of objection or criticism in respect of any schedule.

No resolution or amendment to a Bill shall be moved in the Council which, in the opinion of the President,

(a) calls in question the validity of the Mandate accepted by His Majesty in respect of Palestine or suggests that the Mandate should be abolished or ought to be disregarded; or

(b) would be offensive to the Ruler or the Government of any neighbouring territory, or any foreign State, in friendly relations with His Majesty.

Standing Orders will in the first instance be drawn up by the High Commissioner with the approval of the Secretary of State and thereafter may be amended by the Legislative Council subject to the approval of the High Commissioner.

The draft Standing Orders are now with the Secretary of State and will be shown to you as soon as they are approved.

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