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The Twin Hashimite Kingdoms

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Abstract

To answer the question, what is the relationship of the Near East to the rest of the world, one needs to know something of the background of current Near Eastern problems in this relationship. This thesis has been an attempt to study the political development of two states in the Near East, Iraq and the Hashimite Kingdom of the Jordan, preparatory to understanding their position in the world of today.

Both states are Islamic states, professing the Islamic religion in the state constitutions. Their common heritage includes four hundred years of the Ottoman Empire, during the latter period of which the Great Powers of Europe actively displayed their interest in the Empire. Jordan, a backward part of the then Syrian territory, was less affected at that time than was Iraq. They both, however, were a part of the Arab Awakening and the Arab Revolt. It was the coming into its own of the Near Eastern Arabs that set further Power interests astir. During the first World War, Britain, France, and Russia, and Germany, too, expressed their interests. Germany lost her position during the war, internal strife took Russia's attention from the Near East temporarily; thus leaving Britain and France, as victor nations, to share the spoils.

Being in the role of liberators, as well as superior powers in force, Britain, and France were able to accept the mandate system of the League of Nations and to impose it upon the Arab East according to their pre-arranged division. And it was this mandate system that gave Britain the opportunity to establish the twin Hashimite kingdoms. Faisal was offered the throne of Iraq, after he appeared to be the only acceptable candidate, and Abdullah was then set on the throne of Transjordan to quiet him and give him, too, official anposition in the Arab world.

According to the treaty of 1922 drawn up between England and Iraq, Iraq was developed with the aid of the mandatory, towards independence. The revolt of 1920, the treaties, and anti-mandate agitation finally culminated in the freedom and independence of Iraq when she was accepted as the first Arab member of the League of Nations in 1932. Her relations with the former mandatory are still governed by the Treaty of June 30, 1930, which primarily gave Great Britain military privileges in Iraq.

Jordan, on the other hand, did not achieve a treaty governing her relations with Britain until 1928, and her independence waited until after the second World War, in 1946.

What is the future of these two constitutional states, products of the mandate system? Economically Iraq has great potentions in oil and in agriculture, her natural resources. She is able to maintain herself financially independent and to look forward to future development with reliance upon herself.

For Jordan, the future appears in a different light. This small country has a historical role of a buffer state, which role she is still playing today. Being financially dependent upon His Britannic Majesty's Treasury, she will never be able to dictate her own political, as well as economic policy without knowing it is approved by her banker.

What can be done? The nations of the world can band together as United Nations to guarantee Jordan the opportunity to develop her resources, then enforce their decision. They can help her attain economic independence by giving her a corridor to the sea, they can abstain from imposing their political will upon her.

The United Nations, the nations of the "West", can assist the East to attain the role which history and position give it in the world, if they will to do so, by giving aid without strings attached, by giving friendship without expected return.

I

Introduction

How strange that the "Cradle of Western Civilization" is today itself the subject of Westernization! The very peoples that have derived the bases of their ethical, spiritual, and legal principles from the past civilization of this territory are now attempting to pay back their debt. That ancient land where Adam and Eve first dwelled amid lush gardens without need of internal law or government, where later civilizations were renowned for their laws as well as their splendor; where Jesus of Nazareth expounded basic principles of living, where Judaism originated; where the apices of ancient history, romantic, dignified, provocative, rise up before you at every turn as you travel the Fertile Crescent; that ancient land is trying to recover again its glory and its peace among the nations of the world.

No Hammurabis, no St. Pauls have shown themselves today. For many centuries the territory has been subject to the oppression of one people or another. Rulers have distinguished themselves through conquests, battles, and large empires rather than through codification of law or support of arts and culture. No modern history, art, or science calls visitors to these lands. It is the ruins of ancient kings or conquerors or the material remains of sacred events which bring Western visitors to the

Near East. A few come also to marvel at the "Oriental" civilization found here, the word "Oriental" to them synonymous with ancient methods of work, and crafts of fine quality, and the slow, unsophisticated existence of pre-industrial revolution life.

Today Western civilization is faced with the question; does it have a responsibility toward these peoples from whom it draws its heritage? The very fact that the Western nations are asking this question indicates that their consciences are calling them to take count of their blessings, which they justifiably believe to be in excess of other peoples' welfare. A negative answer to this question leads us no further than the reply to the question. Let us, therefore, assume for the moment that we are convinced of the propriety of helping our fellow man to better living conditions, to a just system of government. Let us assume that it is ours to provide education for him and his children; then, looking further ahead, we may perhaps feel that Western civilization is hindered from striding forward by the dragging weight of the underdeveloped territories now so closely linked to the West by the chain of world relationships. That progress in the West can not effectively move forward until those who people those territories are ready to share, it is inescapable. Behind this assumption of responsibility lie many difficult questions. How can the responsibility best be discharged? What assistance should we give? How should it be given? Can we keep the means of

assistance in proper perspective so that they do not become ends in themselves?

Even before determining whether our basic question may be correctly applied to the Near East, we must know a little about this "Cradle of Western Civilization". This work is an attempt to study two of the countries lying at the Eastern end of the Mediterranean, Iraq and the Hashimite Kingdom of the Jordan, in relation to only one aspect of our problem; their political development.

The last empire to which Arab East was subjected before World War I was the Ottoman Empire. The late history of that Empire is a history of Great Power relations, for the Powers of Europe had by this time established definite interests in the Middle East. England was concerned with protecting the approaches and the trade routes to India, the vital cog in her international economy, and later she wanted to protect her oil interests in Persia. Russia was still trying to obtain the dream of Peter the Great, a warm water port on an open sea, as well as desiring to protect and extend her southern borders. Germany had just come into her own as a unified state, and envious of the colonies of other European nations, she wanted to secure for herself a "place under the sun". The Sick Man of Europe appeared to her a likely prospect. Cultural and religious interests determined the French position in France, the French government aspired to protection of the Christian Catholic minorities and the holy places in the Near East. She also wanted to vie with her competitor and old rival, England.

In an attempt to cure the Sick Man's ills, a period of reform, the "Tanzimat", had been initiated in the Ottoman Empire in 1839 when Sultan Abdulmajid issued the Hatti Sherif of Guelhane. It proclaimed guarantees of personal liberty without distinction or exception, regular and equal tax collection and distribution, and a reorganization of the army to include equality of conscription. A second famous reform decree, the Hatti Hamayun, was issued in June 1856, at the close of the Crimean War. It confirmed the measures of the first decree and specifically emphasized the legal, civic, and social equality of the subjects, although it gave a special status to non-Moslems. It also proclaimed the equality of its subjects for employment by the Government, giving merit its proper place as the criterion of a religious State, so long characteristic of the Near East, and adopted the bases of a State politically similar to the Western democratic governments. Even with the decentralization of authority, which in effect did not take place in the Empire, it is difficult to believe that these reforms penetrated through to the individual citizens, particularly to the tribesmen.

By the time Sultan Abdul Hamid came to the throne in 1876, the "Sick Man" of Europe was already quite ill. At first the Turks in power under Abdul Hamid were enthusiastic over the legal reforms accomplished and were anxious to cap the activities with a constitution, the magic document that they thought would bring unification for democracy, saving

the Empire from the fate to which it otherwise appeared doomed, namely, collapse through dismemberment. Midhat Pasha's constitution was really more than just this move for cooperation, though. It was a manifesto to European Powers to keep out of internal Ottoman affairs; the Turks could manage their own problems.

Abdul Hamid, however, believed that he knew better the art of running his Empire. When he reflected that under the Westernization policy of his immediate predecessors Romania and Serbia had freed themselves from the Empire, Bulgaria appeared about to do so, and other European territories were insecure, he attempted to crush the liberal movement and to make his impression upon the European governments by tightening the reins of authority in his hands. The Parliament called into being by the constitution was dismissed in February 1878 after just two sessions, "for good and all. The decentralized government was replaced by a more modern centralized and uniform administration and the Army was trained under Western leadership with Western equipment. From 1878 until the Young Turk revolution of 1908, Abdul Hamid ruled the Ottoman domain with a forceful hand. His end came when the National Assembly, reconvened in December 1908 after thirty years, resolved his dethronement on April 26, 1909. According to the laws of succession, his brother Mohammed V succeeded him to the throne.

Even before looking for protection for her Indian colony, Great Britain entered the Near East in search of new markets

and new goods for her import-export trade. From India her ships entered the Persian Gulf and the Tigris and Euphrates valleys. By the nineteenth century she was represented by a senior representative, called first a "Political Agent" and later a "Resident", at Baghdad, an Assistant Political Agent or Resident at Basrah, and a vice-consul at Mosul. Because she had developed her own sphere of influence in this area, Britain did not want to lose any of the exclusive controls operating to her benefit, nor did she feel she could afford to lose command of the trade routes to India.

Although the British representatives in Mesopotamia were originally established there as representatives only for commercial interests, it is obvious that by the nature of her special position Great Britain acquired during her three centuries of trade with the country, she could not help but exercise a certain amount of influence with government officials and the people. After Abdul Hamid began to centralize the authority of the Empire in his own hands, to tighten his defenses against European encroachment, political control became more important to England than the commercial interests for which the control had originally been established. She was more perturbed, however, by the roving eyes of the European Powers than she was by the actions of the Sublime Porte.

England had rivals for trade, influence, and power. France's ambitions first made Britain look to her defenses, but at the time when the Powers began to assume definite

interests in the Middle East territory, French efforts were far outdone by Russia and Germany, as competitors to England, leaving France primarily to her religious and cultural influence in the Levant.

In 1881 Russia opened a consulate in Baghdad from which she could, at close range, use her influence against England in Persia and Mesopotamia. She had retaliated against France's attempt to protect the Catholic religious minority in Syria by setting herself up as the protector of the Orthodox believers, but she was by far more interested in what was happening on her southern borders than in the fate of this small minority. In 1900 the Russian Steam Navigation and Trading Company, subsidized by the Russian Government, began a steamer service between Odessa and the Persian Gulf, in opposition to Great Britain, and Russia tried many times to extend the service to the Indian Ocean, but without success. Even before this company was organized, a Franco-Russian company had achieved entrance for service in the Gulf.

The Sultan resented British activities in his Empire, particularly the recent occupation of Cyprus and Egypt. He was not too friendly with Russia or France, and to the consternation of Russia and Britain, he responded to the new German advances in the Near East. He had accepted the Balkan Railway system, and in 1883 he had received a German military mission from the Kaiser. Rather than entering the

Empire through a side or back door, Germany was approaching the Ottoman ruler through the front door of diplomacy. Germans showed more interest than any other people in assisting the Empire, and they were demonstrating it academically, politically, industrially, and financially. When Germany applied through her territory, Abdul Hamid granted her the concession in 1890, although the application was stoutly resisted by Russia and Britain. Perhaps the two State visits of the German Kaiser to Constantinople in 1892 and 1898 helped win over the Sultan to the railway project.

A railroad was not the only ambition of Germany in the valley of the two rivers. Shortly after the railroad concession was obtained she was trying to secure for herself a port on the Persian Gulf. Prevented by the political influence of Great Britain from securing one in Kuwait, she had to be satisfied with Fao, between Basrah and Kuwait, completely within the British sphere of influence. While the German merchant marine became active in the Gulf, France and England were trying to sell to Constantinople their own railway schemes, but none were accepted.

Britain's attitude toward other Powers' position in the Persian Gulf was made clear in 1903 by Lord Lansdowne, Secretary of State for India, when he concluded a statement in the House of Lords by saying "we should regard the establishment of a naval base, or of a fortified port, in the Persian Gulf by

any other power as a very grave menace to British interests, and we should certainly resist it with all the means at our disposal." ¹ This did not mean that they wanted to exclude other Powers from trading through the port ² but that they did intend to maintain their control of the entrance to Persia and Mesopotamia.

Rather than continually warning and threatening other nations not to trespass upon her assumed rights in the Middle East, England finally decided to end her "splendid isolation" and achieve her ends by diplomatic means and cooperation. The First agreement with a European power was the Entente Cordiale signed in 1904 with France to remove the differences between them and thereby recognize each other's interests, including those in the Near East. This dual Entente was expanded into a triple understanding when Britain and Russia drew up their Convention in 1907 for the express purpose of dividing Persia into spheres of influence between them. Russia also recognized England's special interests in the Gulf, to the extent of withdrawing her own steamship companies. In fact Germany was left as Britain's only competitor for influence in the Persian Gulf. In the same year as the Anglo-Russian

¹ Parliamentary Debates, House of Lords, 4th Series, vol. CXXI (1903), pp. 1347-8, as quoted in Ireland, Iraq, p. 43

² Sir Edward Grey, in a dispatch to the British Ambassador at Moscow, 1907, quoted in Coke, Heart of the Middle East, p. 136

Convention, Britain declared she would withdraw her objections to the Baghdad railway if she could be responsible for financing the Baghdad-to-Basrah section. She could in this way retain complete control of the Gulf and the approach to India. Finally, in 1913-14, an agreement was reached between Britain, Germany, and Turkey by which Britain agreed to the construction of the Baghdad railway to Basrah but retained control of the terminus at Basrah and was granted two seats on the board of directors of the railway company.

Late in this pre-war period, England found a new interest to strengthen her attention of the Eastern end of the Mediterranean and to play a large part in her future Oriental policy. An oil field of promise was discovered in southern Persia in 1909 and an independent company was formed to conduct operations there. When a pipeline was laid direct from the fields to a newly-constructed refinery at Abadan, the import of this venture produced great ideas in the far-seeing mind of Winston Churchill. At his suggestion, that here was a ready supply of fuel oil for the British Navy, His Majesty's Government purchased a controlling interest in the company and appointed their directors to sit on the board of the new Anglo-Persian Oil Co. Only one year later the pipe-line was doubled in size and the refinery's capacity greatly increased.

When World War I broke out in Europe, the Near East was resting in a moment of peace, but it was the peace of inactivity.

The Young Turks' revolution of 1908 had been followed by Great Power agreements all around, in contrast to the internal unrest of the Ottoman Empire. After the Anglo-Russian Convention, Russia and Germany had recognized each other's Eastern interests in the 1911 Potsdam Agreement, and in 1914, just before open war began, Turkey was admitted to the Triple Alliance of Germany, Austria, and Italy.

In view of the line-up of Powers for war, however, this last arrangement made by the Ottoman Empire could presage only trouble for the Arab East, for Britain would surely defend and protect her interests, especially in Mesopotamia. Despite the attempt of the German Government to get the Porte to declare war on Russia, her traditional enemy, at the very beginning of the war, so that there would be no question then as to which side she would take, the Sultan waited until Russia, Britain, and France had declared war upon him.

The decay of the Ottoman Empire not only caused reaction outside the Empire, but the decadence and the efforts to save the Empire produced a counter-movement within as well. In opposition to the tyranny of the Turks, an Arab movement began to take shape as early as the accession of Abdul-Hamid II to the throne. In Syria, where the impact of the West had had but slight effect, opposition to the Sultan's plea for Pan-Islamism was, for the first time, publicly expressed. Anonymous placards appeared in 1880 in Beirut, the headquarters

of an Arab nationalist organization, and in Damascus, Tripoli, and Sidon. They denounced the Turkish rule and implored the Arabs to rebel against it. One placard, posted on the night of December 31, 1880, contained the earliest existing public statement of an Arab political program. Its main points were:

- "(1) the grant of independence to Syria in union with the Lebanon;
- "(2) the recognition of Arabic as an official language in the country;
- "(3) the removal of the censorship and other restrictions on the freedom of expression and the diffusion of knowledge;
- "(4) the employment of locally-recruited units on local military service only."¹

Here were the first ideas of a movement that, although never highly organized, played an important role in freeing the Arabs from Ottoman rule.

While the nationalists' desires for freedom were being heard in Syria, in Iraq unrest and rebellion were to be noticed. A French traveler who sailed up the Tigris in 1883 wrote, "Everywhere I came upon the same abiding and universal sentiment: hatred of the Turks... The notion of concerted action to throw off the detested yoke is gradually shaping itself...An Arab movement, newly-risen, is looming in the distance."² No more popular than the Pan-Islamism

¹Antonius, The Arab Awakening, p. 84

²Denis de Rivoyre, Les vrais Arabes et leur pays, pp. 294-5, as quoted in Antonius, Arab Awakening, p. 90.

of Abdul-Hamid was the Pan-Turanianism of the Committee of Union and Progress, the Young Turk organization in Constantinople.

Just as Arab nationalism is even today at the mercy of Arab individualism, the Arab nationalist movement has always been hindered by this trait of the Arab character, namely, an inability to forget personal ambitions and enmities for the common goal. Nevertheless, in all parts of the Arab world, a movement against the Ottomans was afoot. Both secret and public societies were organized in Syria to work for independence, and in Iraq various methods were tried to achieve autonomy. During the two years 1910 and 1911, thirty-six Arabic newspapers were established in Iraq, and between 1904 and 1914, sixtyone were begun in the country, primarily as a means of expression against the Ottoman yoke. Many Iraqis, and particularly army members, belonged to al-Ahd, one of the two active secret societies formed before World War I to work for Arab independence. The other secret society, al-Fatat, was somewhat of a civilian counterpart to al-Ahd, though its membership remained much smaller and much more centered in Syria than al-Ahd, which had members throughout the Empire. Among the prominent men in al-Ahd was Iraq's Nuri as-Said, today Prime Minister in the Iraq government. A gentleman from Basrah, Saiyid Talib Pasha ibn Saiyid Rajab, assumed the leadership of Arab nationalism in the Ottoman

Chamber of Deputies and in southern Iraq. Personally ambitious, he worked diligently and persuaded others to work with him against the Turks. Even though the reforms he tried to achieve for Basrah wilayet were only reforms on paper, his area was further ahead in its endeavors for the Arab cause than the rest of Iraq. The Turks attempted, after they had entered the war, to keep nationalist feeling in Iraq at a minimum by assigning Arab officers to posts where no opportunity could arise to display sentiment.

When World War I began, it was the desire of numerous Arab groups to crawl out from under the Turkish rule. The straw that broke the camel's back had been the Pan-Turanian policy of the Young Turks after their 1908 revolution. To this the Arabs had responded with their own nationalism. If they had to have outside help to achieve their autonomy, the majority of Arabs were willing to try the side of the Allies; perhaps Britain, France, or the United States would help them attain their ends at the conclusion of hostilities. The story of the negotiations carried on by Sharif Husain of Mecca to win the British to assist the Arabs against the Ottomans, the promises that were made by MacMahon for Britain, and the subsequent inconsistent arrangements drawn up between Britain and France are well known. I can only repeat what is common knowledge, without adding to the evidence of either side, so I shall omit a fruitless exposée.

The revolt of the Arabs in the Hejaz had little effect on Arab nationalism in Iraq. The Turks held the peoples in their territories under strict military rule, terrorising the population with internments, deportations, and executions; and most of the strong nationalist workers, the backbone of al-Ahd, were members of the Ottoman army stationed in other parts of the Empire, waiting until later to play their role. The reaction of the Arabs in British-held territory seems to have been developed by both the attitude of the Government of India, which was still interested in Iraq as a population outlet for India, and the strategic considerations of the General Officer Commanding-in-Chief of the British Army. The British political officials were concerned with establishing friendly relations with the Arabs and building prestige for the British administration, to which further Arab nationalism might at that time have been detrimental. The Iraqis were kept in touch with the revolt and with the forces at work among their kin in Syria, but their own activity rested for a while.

Britain declared war on the Ottoman Government on October 29, 1914. Although the Persian Gulf area, and even the Arab states in general, were friendly to Great Britain, His Majesty's Government were keenly aware of the danger to their interests of losing the control over the Persian Gulf. On November 6, therefore, British troops were landed at Fao,

the German port, with the object of protecting the Shatt-al-Arab. Protection of this Mesopotamian neck of land meant protection of the Anglo-Persian Oil Co. refinery at Abadan, important to the Royal Navy, and protection of the principal English port on the Gulf. Upon landing, the British told the Arabs that they would protect the Arab interests, as well as those of the British, and that their personal liberty and their religious interests would be respected.¹ Tribal leaders were given the task of preserving order in their territories and preventing any actions by their subjects against the British.

The British had not planned to go beyond this first move when they arrived at Basrah, but even this much involved them to the extent that they felt it strategically necessary to consider future moves north and west, along the two rivers.² No clear objective was formulated immediately, but after an exchange of telegrams with higher authorities in India, the Iraq Expeditionary Force began formulating plans to extend its operations beyond Iraq's outlet to the Gulf. To obtain the cooperation of the Arabs, necessary to the success of her campaign, Britain had to assure the Arabs that the Turks would not return to the British-occupied areas, because this would mean death to those Arabs who had assisted the British. It is

¹Proclamation issued on Nov. 23, 1914, by Sir Percy Cox, Chief Political Officer to the General Officer Commanding-in-Chief, to the Notables and Public of the Town. Vide Wilson, Loyalties, Appendix I, p. 311.

²Vide Wilson, Loyalties, p. 21.

not mere conjecture to say that ^{the} Powers were interested in breaking up the Ottoman Empire; this is obvious from their previous actions. Whether or not they wanted to add the territories to their own empires as colonies is not as important as the fact that they did want to maintain their influence and control where their interests were concerned. Possibly they were willing to let the problems of governing the territories lie in native hands, as indicated by a telegram from the Viceroy of India, Lord Hardinge, to the English in Basrah early in the battle, when he said, "I consider that it is premature to take action which appears to oblige consideration both by Allies and by Arabs of ultimate settlement of Mesopotamia and other parts of the Turkish Empire."¹

What was the situation of the Mesopotamian tribes at the beginning of World War I? During the latter part of the nineteenth century the Turks had attempted a policy of settlement of the tribes, chiefly by granting security of holding to the individual cultivator on state-owned land, (miri Tapu sanad.²) Such a policy fit in with their plan of Ottomanization of the Empire, bringing all the peoples under the control of a centralized government and making them

¹As quoted in Wilson, Loyalties, p. 17.

²A title deed to hold miri (state) land provided that the land was not left fallow for three consecutive years.

subject to military service and taxation. Obviously this was a break with the long centuries of nomadic tradition and even by the best of governments could not be achieved overnight. For the weak Ottoman government it was even more difficult. By 1900, nevertheless, the tribes were beginning to move within more narrowly confined areas, settling on the land that they were cultivating, seeking local law and order, yet still haters of government as an imposition on their individual freedom. The tribal shaikh was in the unenviable position of being required by the government to obey it or be forcibly deposed, while obedience to the government would bring about desertion by his tribe for a more courageous, a more independent leader. Government, as hard as it might have tried, still had little effect on the lives of the rural and tribal peoples of Mesopotamia. As long as the tribes could see the British winning the battles in Iraq, they were willing to assist them, but if the wind blew the other way, they were just as ready to climb on the Turkish bandwagon as loyal supporters of long standing.

Where land was not state-owned, but privately owned, large holdings had usually become concentrated in the hands of one man. As these men were attracted by urban life and its amenities, absentee landlords became a serious factor in Iraq's agricultural pattern. Their number increased when cultivators began mortgaging

their lands to town merchants, to whom the land often reverted.

To the British, it was an objective of importance to promote a split between the Arab peoples and the Turkish government in Mesopotamia. If they could destroy the latter while winning the friendship of the former, the military campaign would be made infinitely easier. The distance of Iraq from the Ottoman center of government had brought its special consequences in governing the country. Iraq was not a post desired by the Turkish administrators, and it usually received the second-rate officials; nor had it attracted the outstanding local recruits to its services. This was the land where the Turks demonstrably fulfilled their reputation of ruling for the benefit of the ruler, not the ruled, where there appeared to be no desire to govern well.

As the Iraq Expeditionary Force moved into Mesopotamia, it naturally had to govern the occupied area. Because the Turkish government had been loosely organized and most of the officials had been Turks, they withdrew with the retiring forces leaving anarchical conditions behind them. The prevalent popular lack of respect for government meant that as soon as the government no longer existed, law and order promptly disappeared. No compunction was shown even in raiding the government buildings for building materials. Piracy became a marine problem. An internal military government therefore had to be organized at once to govern the Arabs and to act as

liaison between the British forces and the local populations.

Major D'Arcy Brownlow was appointed military governor of Basrah after the British took over the town, and two deputy military governors were named to serve under him, one each for Basrah and the suburb of 'Ashar.

The new government's first concern was to establish law and order. A force of district police, called the Shabana, was set up to replace the old Turkish gendarmerie in the districts. The setting up of a judicial system immediately applicable was more of a task. International custom prescribes that the existing system of law should be maintained, in as far as it is possible to do so, and it was considered expedient to adopt the currently used Turkish codes, described by one author as "a compromise between Islamic simplicity and the Code Napoleon."¹ A Senior Judicial Officer was entrusted with the preparation of a provisional code of law suited to the immediate needs of the occupying government. The Turkish civil authorities had left no one competent or acquainted with Turkish law to carry on, so that the easiest and most expedient method was to draw partly from the Indian judicial system and partly from the Turkish. Rather than continue the use of Turkish as the language of the courts, however, the British gained popular nationalist sentiment by returning to the native Arabic. The religious courts continued in use for matters of personal status, and municipal

¹Longrigg, Four Centuries of Modern Iraq p. 315.

disputes were occasionally referred to the municipal councils. In all the courts, justice was freed from its former corruption.

Upon the occupation of Nasiriya in July 1915, all the main towns in the Basrah wilayet were in British hands. They were thus administering approximately 20,000 square miles containing over 785,000 people. Not only did the temporary administration have to meet the needs of the conquering forces, maintain the lines of communication, and prevent the civilian population from assisting the enemy, but at the same time it had to set up anew the whole civil administration, which had disappeared with almost all of its records and its officials. The Foreign Office of His Majesty's Government had instructed the Expeditionary Force to preserve the existing administration in Mesopotamia as far as possible,¹ But the political officers on the spot often found maintenance of the old system impracticable. Whereas the Turks had attempted to foist their own administrative organization on to the tribes and townspeople alike, the British discovered the local law and order could much more easily be maintained by at least temporarily utilizing the powers of the tribal shaikhs.

In January 1915 Henry Dobbs had arrived in Basrah to assume the duties of the Revenue Commissioner. He collected all the records and files of the Turkish government, the title-deeds to the lands, and the registers of documents still intact, as a basis from which to begin the organization of new

¹Wilson, Loyalties, p. 240.

records. Because the people were used to the Turkish revenue and fiscal system, its use was continued until a new one could be set up. Meanwhile the documents were translated into Arabic and discovery of their proper meaning attempted.

The British in Mesopotamia steadfastly upheld the theory that they were cooperating with the Arabs for their liberation from Turkish misrule, that in no way were they at war with the Arabs. By such means as improving the conditions of life in the towns of the Basrah wilayet did they attempt to demonstrate to the Arabs that they could offer them something better than the Turks had given them. Sir Arnold Wilson, for two years after the war Acting Civil Commissioner of Iraq, wrote: "the initial inertia once overcome, and a sound financial system of collecting municipal revenues introduced, the townsfolk proved surprisingly amenable to and appreciative of the advantages of clean streets and organized sanitation, and there was no serious set-back when direct British administration ceased."¹ When the cities of the Middle Euphrates revolted against the Turks in 1915 and 1916, the Turks made further enemies by hanging those suspected of being nationalists

¹Ibid., p. 149.

responsible for the revolt. If the British had by this time formulated a clear policy for the future under which they could have given definite leadership and support to these Arabs, they might have gained the assistance of a general Iraqi movement against the Turks.¹ One difficulty however, was the different attitudes of the authorities in India and in London toward the Mesopotamian forces. The latter viewed Iraq, quite logically, as a secondary theatre of war, primarily concerned with the protection of British interests in the area, while the Army headquarters in India looked upon Baghdad as the end in view. Wilson perhaps makes the reigning confusion most clear when he deplures that, "What the British or Indian Empire would do with Baghdad when they got it had no doubt been fully considered, but no inkling of the trend of official thought on the subject reached us in Mesopotamia."²

To the forces in the field, there was really no choice in the matter. If they didn't push on, the Turks would continually trouble them at Basrah. They would of course not want any other power to take over Baghdad, yet if they occupied the city they would have to remain there to administer the area and to prevent the return of the Turks.

¹Ireland, Iraq, p. 240.

²Wilson, Loyalties, p. 80.

Their lack of troops and equipment for a forward drive was tragically pointed out to them when they attempted an advance towards Baghdad late in 1915. Finally, on February 28, His Majesty's Government formally announced their policy to establish British influence in the Baghdad wilayet. The official historian records that occupation of Baghdad was strategically valuable in depriving the Turks of a concentration point, a supply area, and a base from which to menace the Basrah wilayet and Persia. The political value of the campaign lay in increasing British prestige in the Near East to counteract the concern over Persia and Afghanistan as protectors of their Indian domain.¹

When the forces did advance in early 1917, they met little opposition. British and Indian troops led by General Maude, General Officer Commanding-in-Chief, peacefully occupied the city on March 11, 1917. After order had been restored, the General issued his famous proclamation of March 19th "To the People of the Baghdad Wilayet". The proclamation sadly enough, had been prepared in London for this occasion, and it was out of touch with the circumstances of the occupation. Its lofty phraseology raised some hopes but roused little general enthusiasm. The ideas it engendered were later to bring trouble between the Iraqis and their "conquerors". In part, it said:

¹Moberly, Official History, vol. 3, p. 207.

"It is the desire and hope of the British people and nations in alliance with them that the Arab race may rise once more to greatness and renown amongst the peoples of the Earth and that it shall bind itself to this end in unity and concord. Therefore, I am commanded to invite you, through your Nobles and Elders and Representatives, to participate in the management of your civil affairs in collaboration with the Political Representatives of Great Britain who accompany the British Army so that you may unite with your kinsmen in the North, East, South and West in realizing the aspirations of your race."

When General Maude moved into Baghdad, he organized most of the civil administration himself, being unwilling to delegate this responsibility. Again, the field had been instructed from headquarters to operate through the existing administration when possible, substituting Arab for Turkish personnel. It was suggested that British cooperation be confined to advisory functions. To a very limited extent, however, was this possible; for all practical purposes the British civil administration may be considered as the center of government. Military exigencies and the demands of the civil population determined the shape of the administration set up in Baghdad and the wilayet.

General Hawker was appointed Military Governor in Baghdad after the British occupation. He served until September 1918, when he was relieved by M.E.B. Howell of the Indian Civil Service. Sir Percy Cox acted as Political Officer of Baghdad until July 1917, when he was named the first Civil Commissioner. His instructions contained the phrase, "His Majesty's Government do not wish large or

controversial administrative questions raised or referred to them until the danger of Turkish attack is passed..."¹

This unwillingness to deal with such problems, even for the months after the armistice, was partially responsible for the troubles borne later by the Iraq Civil Administration.

If British policy for Iraq could have been decided and announced not later than the end of the war, it would have taken the early wind from the extreme nationalists' sailboats. Despite General Maude's predilection for military dominance as long as military services were still important, Cox was given complete jurisdiction over civil affairs, subject only to matters of military security. Upon the death of General Maude, the military campaign into the Mosul wilayet was carried to its conclusion by Sir William Marshall.

Until March 31, 1917, the Government of India branch of His Majesty's Government had been in charge of Great Britain's relations with the Near East; but on that date, the High Commissioner for Egypt assumed charge of all Arab Affairs, except those of the south and east coast of Arabia. Ireland points out that there were two schools of thought developing regarding the rule of the Arabs. One, the Indian school, supported King Ibn Sa'ud of the Nejd as the Arab leader and

¹Bell, Review of the Civil Administration of Iraq, 1914-20, p. 74.

wished to develop Turkish Arabia, through penetration and absorption, as a buffer state to the west of India. The other, of Egyptian parentage, looked to the Sharif of Mecca and the independence of the Arab territories, depending on British influence to assure the friendliness of the Arab portions of the former Ottoman Empire.¹ It would appear that the Egyptian school exercised the stronger influence.

While this Turco-British battle was going on in Mesopotamia, the Arabs were fighting their own war of independence to the West. On June 5, 1916, the Arab Revolt began in the Hejaz. Chaos and tribal warfare had reigned in southern Syria and Palestine from the time of Ibrahim Pasha's invasion until the Ottomans began reorganization of their empire. They had not tried to control the area, but had bought off the Bedouins to maintain peace. The Ajlun district had come under a certain amount of control in the latter part of the nineteenth century, but the Amman district was not occupied until the last quarter of the nineteenth century. As the construction of the Hejaz railroad to carry troops to the outlying districts of the Empire progressed, more government came to the Jordan. The first Mutasarrif was appointed to Kerak in 1892. He was responsible to the Wali (governor) of Damascus. In 1905 he extended his jurisdiction to the Balqa and Ajlun districts, detaching them from the Mutasarrifs of Nablus and Hauran, respectively.

¹Ireland, Iraq, p. 101.

He increased his strength enough that when a rebellion of the tribes at Shobek, south of Kerak, broke out in 1905, the government authority easily put it down. When the burdensome taxation and the attempt to collect firearms provoked the tribes at Kerak in 1910, however, the local Turkish garrison had to be reinforced by an expedition sent down from Syria to obtain their surrender.

During the revolt of the Hejaz Arabs, Jordan played its own significant role. Faisal and Lawrence led their expedition against Aqaba, whence they could go north to blow up the Turkish line of communications with the Hejaz. From the desert they could also attack the Turks left in Palestine. By the time General Allenby, Commander-in-Chief of the British forces in Palestine, entered Jerusalem on December 11, 1917, the Turkish Mutasarrif had evacuated the city, and when the General's forces reached Syria, they had the help of the dissident Arab tribes in driving the Turks out.¹

Unlike Iraq, no organized administration followed the Arab forces through Jordan and Syria. Government waited until after the war when Faisal was set up as a short-term king of Syria. In 1921 the British gave the Amir Abdullah his authority over the Jordanian Arabs.

¹Antonius, Arab Awakening, pp. 237-38.

Chapter II

Establishing the Hashimites

There is no doubt that the Arab leaders of 1918 wanted independence. How much independence the Powers of Europe planned to give them we may doubt. Perhaps the Powers believed they would exercise direct control for a while, then move out to let the population carry on. They thought, as the British school that wanted to build up independent Arab leaders; they could count on their influence to keep their place in the Near East. Or perhaps, as almost happened, the Powers really planned to remain indefinitely in the Near East, exercising direct or indirect control over the "liberated" territories.

To the Arab mind, the French and the British intended that the Arabs should be governed as they themselves chose. When seven Arab leaders living in Egypt addressed a statement to Britain, the Foreign Office issued a reply to them known as the Declaration to the Seven. Here Britain indubitably stated that "...the future government of those territories--where Allied armies had driven out the Turks--should be based upon the principle of the consent of the governed."¹ The two Powers together told the Arabs in the Anglo-French

¹As translated from the Arabic by Antonius in The Arab Awakening, Appendix D, p. 454.

Declaration of November 7, 1918, that they agreed "..... to further and assist in the setting up of indigenous governments and administrations in Syria and Mesopotamia.... and to recognise them as soon as they are actually set up."² The difference in the content of these phrases to the British and the French mind and to the Arab mind was vast. The two Powers did not make clear what they meant by assistance in the setting up of the Arab governments. Had they previously determined their policy and at the time explained that their method would be the mandate system, they would have been more honest with the Arabs, though it might not have been as politic. At least it would not have roused Arab hopes to such a high degree.

In Baghdad, the release of the Anglo-French Declaration caused great excitement. After Col. Wilson, the Acting Civil Commissioner, had had some time to judge the currents of public opinion in Baghdad, he cabled the India office that educated opinion wanted an Arab state, including the three wilayets of Basrah, Baghdad, and Mosul, with an Arab Amir at its helm.² To put the Arab administration on its course, they believed that the British High Commissioner should remain and that British advisers in the ministries and throughout

¹As translated from the French by Antonius, op. cit., Appendix E, p. 436.

²Wilson, Mesopotamia, p. 107.

the country would be desirable. Everyone, said Wilson, appeared to want Sir Percy Cox as the first British High Commissioner. He concluded, "To the inhabitants of this country, the ideas on which the Anglo-French Declaration is based are new and unfamiliar, to the Shaikhs almost anarchic. They have yet to hear of the obligations of liberty and to realize the duties of free men."¹

Many people favored an Arab Amir as the head of the new state, but no man stood out as a likely candidate. The Naqib of Baghdad, one of those suggested for the position, was against the immediate establishment of an Amir because he did not believe the country was ready to rule itself as a state. He favored instead a British administration which would cooperate with the Iraqis by using them in the government in gradually increasing number and responsibility, and with others, he saw a need for retaining the British troops to keep internal peace. If someone had to rule over them, many Iraqis were admirers of Sir Percy Cox as an administrator.

To assuage the ire of the British officers in Iraq over the Anglo-French Declaration, the India Office cabled Wilson that the primary intention had been to clear up the Syrian conditions created by the Arab suspicions of the French, and that the ultimate settlement of all Arab provinces of the Turkish Empire would take place in the peace conference. It again confirmed that Great Britain was interested in developing

¹ Ibid., p. 108.

a popular native government, one that was strong and stable,
in the liberated area.¹

Not long after the Anglo-French Declaration, Col. Wilson received a request to sound public opinion in Iraq on the three questions, namely: (a) whether or not Iraqis believed the wilayet of Mosul should be included in their new state, (b) whether they wanted an Amir to rule over them, and (c) if they did, whom would they nominate? It was just at this time that a group, many of whom were former members of the Turkish Committee of Union and Progress, organized a campaign of political agitation in Baghdad. When Wilson visited the holy city of Najaf to include it in his investigation of public opinion in the country, he again found that the people were of one mind in wanting a united country of the three wilayets, under British protection, without an Amir. Immediately a Baghdad agitator moved into the city and within a short time the office of the Acting Civil Commissioner began receiving a series of documents from Najaf. These documents asked for an Amir under British protection, but without a suggestion as to whom the signatories would favor. Miss Gertrude Bell, Oriental Secretary to the Acting High Commissioner, reports in a memorandum that despite the attempt of the Ulama² of Karbala, second holy city of the Shi'ites, to prevent any idea other than that of an Islamic government to prevail in

1 ¹ Ibid., p. 110.

² Plural of alim, "one possessed of religious knowledge". Having acquired religious prestige and authority, they may be compared to the clergy of Christianity.

that province, the tribes of the area desired British administration.¹ In Kadhimain, the third holy Shi'ah city, the Turkish agents had been at work. There the orders of the Ulama were that anyone who expressed favor towards the British occupation would be excluded from the mosque (excommunicated). Ignoring these orders, the leading townsmen started a counter-petition in favor of British rule in Iraq.

The Ulama had wielded a maximum of power within the holy cities before the British came, and they did not now want to submit to anyone, particularly an "infidel". Their desire for local autonomy was one of the headaches in the early British administration. Although they were mostly of Persian origin and thus foreigners to the state, they would naturally give their support to the Nationalist cause.

Nationalism in Iraq received a big boost when the Iraqi Arabs who had been in Turkish service were gathered from the internment camps in Egypt and India to serve in the Hejaz. There the men came into contact with the sources of the Arab movement; they felt the awareness and sympathy of the British in the Hejaz; and they carried all this back with them to Iraq. Loyalty to a state was very new to the people of Iraq. The existing feudal structure and the interest of each person in his own freedom did not give rise to any felt need for a nationalist movement. Moreover, not only was public opinion

¹ Memorandum by Miss Bell, "Self-Determination in Mesopotamia", February, 1919, in Wilson, Mesopotamia, Appendix III, p. 333.

unenlightened, but it was still to be heard. Even through some of the professional men and civil officials and some of the Arab army officers had been interested in Arab nationalism sometime before World War I, there were no trained, trustworthy native personnel to carry out the work of the State.

Confronted with the desire for an autonomous and nationalist government on the one hand and the desire to see the British administration continued for a while on the other, Col. Wilson's survey of public opinion of the three questions gained a basis for action only on the question of the territory to be included in the new state. Whether or not the Mesopotamians would have an Amir was left in abeyance. It was the reaction to the Declaration and to the survey of opinion which was of immediate importance in Iraq.

Iraqis were beginning to take places in the temporary government, though not always with satisfactory results. Under the Ottoman Empire the personnel had come from Turkey, but these men had retreated with the Turkish troops. At the first then, the occupying forces had to draw upon their own men of the British and Indian troops to fill the vacant spots in the local administration, but these men, when the war was over, were recalled to the posts from which they had been loaned. Prompt nationalization of the government might have been possible, Percy Cox admits, if the peace terms had followed the Armistice immediately instead of waiting until 1920 to be made definite.¹

¹ Sir Percy Cox writing in Bell, Letters, vol. 2, p. 522.

When the peace ^conference began its meetings at Versailles in 1919, Col. Wilson was already perturbed over the wait for a definite Middle East program to be laid down. He felt that their problems were going begging, and so he arranged for Miss Bell to act as his liaison officer to Whitehall. The difficulties in converting the military government into a Civil Administration were complicated by the indecision of the Home Office. Wilson believed that the ideas of His Majesty's Government concerning the Arab's ability and willingness to direct their own governments, as well as the interests of Great Britain in the East, were wholly misconceived. Even Miss Bell later admitted "I think there has seldom been such a series of hopeless tangles as the West has made about the East since the armistice...."¹ Part of the problem seems to have been a dispute between the Foreign and India Offices concerning the jurisdiction over Mesopotamia. Although the House of Commons was told in June 1919 that the Secretary of State for Foreign Affairs considered questions of policy for Mesopotamia in consultation with the Secretary of State for India, instructions were regularly issued by the India Office, who consulted the Foreign Office and the Government of India when deemed necessary. In 1920 it was stated in the House of Commons that the Civil Administration of Iraq was directed by the Secretary of State for India.²

¹ Bell, Letters, vol. 2, pp. 479-480.

² Wilson, Mesopotamia, p. 238.

This confusion was not cleared up until Iraq was put under the Colonial Secretary in the spring of 1921.

Wilson might have condoned the lack of a policy shaped for Iraq for a few months after the Armistice if he had been given some basis for constructive operation in the first months of 1919. He and his staff, however, were still biding their time a full year after the armistice when the Financial Secretary to the War Office stated in the House of Commons on November 6, 1919, that he had nothing definite to say regarding the policy to be pursued in Iraq, that it required a great amount of study and conference with all the interested authorities before settling.¹ This denial of a constructive policy continued to be such a problem to the Mesoptoamian officers that the Acting Civil Commissioner later wrote of his Iraq experience, "The difficulties that proved insoluble were those arising from the delay in making a clear announcement of our intention, in the belief that 'the East could wait', and from the failure of the War Office and of its representatives in Mesopotamia.....to accomodate themselves to the exigencies of the Political situation."²

It was during the last year of the Acting Civil Commissioner's term of office in Iraq that his second indictment was so important. Until 1920 the population had borne the strain of insecurity, wondering what its future state would be like.

¹
Ibid., pp. 212f.

²
Ibid., p. 261.

If had the promises of the British that it would not be given back to the Turks to rule, but the demands for Mohammedan rule from the nationalists might have led the population to believe that it was only exchanging one master for another. Although the people even after the war had been promised an opportunity to rule themselves, the demands for progress toward that goal had to be repressed by the Civil Administration until the results of the peace conference. True, the Civil Administration was more popular with the masses than its predecessor, the Turkish Government, because it grew out of genuine popular demand, it showed interest in employing native personnel, and it carried on its business, where the people were directly concerned, in the native tongue rather than in a foreign language. Vested interests, of course, opposed anything disturbing the status quo, as the landowner's opposition to the cadastral surveys, and the priesthood was inevitably against secular government. They were handicapped in their efforts by a lack of good teachers, and the government tried to organize the schools again to satisfy the eagerness¹ for education from a part of the population.

The police corps and levies had been first organized while the campaign was still going on. In the beginning, the officers were taken from the British and Indian troops, but within four years it became an acceptable occupation among the Arabs and they were being trained for the higher positions. When trouble

¹ Bell, Letters, vol. 2, p. 487.

broke out in 1920 they were loyal to their tasks and were subsequently accredited with having prevented general anarchy that year.

From their first entry into Iraq, two problems plagued the British. As the administration developed in Iraq, it became obvious that, to maintain orderly progress, some changes would have to be made in their system. Gradual functional changes in 1919 and 1920 reflected this conviction and were a prelude to later further changes. The first problem, that of contacting the tribes, had temporarily¹ been solved in a good relationship with their leaders, which resulted in cooperation with the administration. The second problem, contact with the Shi'ites and particularly with their mujtahids, was the most difficult rapport to develop. In early 1920 the general unrest in the country was aided by the prejudice and the plotting of the Shi'ah leaders in the holy cities, who were somewhat antagonized by the gains of the British in administering the country.

It was known by the British officers in Baghdad in early 1920 that an anti-British movement was afoot, underneath the general disquietude. Miss Bell noted in a letter to her family that "...we're on the edge of a pretty considerable Arab nationalist demonstration with which I'm a good deal in sympathy."² The letter was dated April 10, 1920, even before the results of the San Remo conference had been announced. When the announcement did come that Britain had

¹
For this a great deal of credit is due Miss Gertrude Bell, who had a live interest in the tribes.

²

undertaken the mandate for Iraq, Col. Wilson issued a prepared statement simultaneously with the announcement. In it he showed clearly the conflict between his own desire for good government in Iraq and the desire of the Iraqis and of other British administrators for self-government. He explained that: "The ideal at which the Mandatory must aim is the creation of a healthy body politic, guided and controlled by healthy public opinion...It is the duty of the Mandatory Power to act the part of a wise and far-seeing guardian who makes provision for the training of his charge with a view to fitting him to take his place in the world of men." ¹ The decision of San Remo brought the fuel for their fire that the nationalists needed. The general population showed no serious disturbance over the mandate, but Al-Ahd denounced the decisions and called for a resistance movement. Wilson himself was aware that the extremists were likely to cause trouble during the coming month of Ramadhan, beginning May 19th, and that the moderate elements among the population, from which the government gained support, would not be able to resist the pressure of the extremists unless they received support from the government. He was very anxious to support the moderates by means of an announcement before Ramadhan began, outlining a government which would be set up in immediate future. But luck and His Majesty's Government were not with him.

When fifteen Nationalist leaders in Baghdad, known as the

Mandubin, or Delegates, asked to present their views to His Majesty's Government, an appointment was made for them to meet with the Acting Civil Commissioner on June 2. Because he could not accept them as the representatives of the people, and because this seemed to be an opportunity to explain the policy of His Majesty's Government to a representative group of the city's citizens, Wilson invited forty other men, including representatives of the Christians and the Jews, to meet at the same time. Whether he hoped to modify the effect of the nationalists on Baghdad public opinion by putting them in the minority, or whether he had other more simple reasons, we are not told. All we know is that he has since been accused of packing the Assembly. He took the opportunity of the Mandubin, who were joined by some of the invited members. In a petition presented to the Administration, the Mandubin asked for immediate formation of a convention which could draw up a National government for Iraq. They had been expected to declare their independence and the rejection of the Mandate, as had been done in Syria, but they limited their demonstrative actions to the shouts and hisses delivered by the crowd outside when the British officers left the meeting. Wilson and his staff were fully aware by now that sentiments were actively stirring against their government's policy, or lack of it, in Iraq; and he telegraphed this message to London for the central government's information and action. Because of his belief in the importance of good government over anything else, Wilson could not sympathize with those who opposed the mandate on nationalist grounds. Finally, on June 7, a telegram from the Secretary of

State for India told Wilson that, as he had suggested, Sir Percy Cox would return to initiate the new order, and it also indicated that some agreement was being reached as to the form which the new government should take. Wilson withheld announcement until Ramadhan was ended, and meanwhile contacted Sir Percy to ask him to visit Baghdad on his way to London from Teheran, where he was leaving the Ambassadorship.

Trouble began even before the month of fasting was over, before it was deemed safe to announce plans for the future of the country's government. The extremists were crying for independence, using joint meetings in both the Sunni and Shi'ite mosques, terror in the streets--the passions of a mob--to win support in their opposition against any but a national government. As soon as Ramadhan had ended, by which time Sir Percy had arrived for his visit on his way to England, an announcement appeared in the press that Cox would return to Iraq as the chief British representative. It declared that after he arrived he would call a provisional Council of State under an Arab president, with an elected representative body to meet as a Constitutional Convention. The announcement had come too late, however, to pacify the tribal elements now stirred to a high pitch. In the beginning of July the tribesmen at Rumaithah in the lower Euphrates area found an excuse to raise their call to arms when their shaikh was detained by the Assistant Political Officer over an agricultural loan, and they broke into open revolt. The repressive measures of the Acting Civil Commissioner by now only added to the fervor of

1
the revolting Iraqis. Even the previous announcement from Baghdad that the British Government was retaining a force in Iraq sufficient to meet her obligations, i.e., to maintain public order, did not deter the rebellious forces. The movement was beyond the grasp of the nationalist leaders. It was also beyond the grasp of the British military commander in Iraq, Lt. Gen. Sir Aylmer Haldane, who had only recently replaced Sir George MacMunn, appointed Quarter master General in India. An effective disposition of the military might have acted as a detaining force or have been able to check some of the disturbance. Haldane, however, was not even acquainted with the problems of Iraq or its background when he arrived, so he was not in a position to command the situation. Both MacMunn and Haldane preferred to keep their forces in mobile columns, rather than spread them out over the country, a policy to which Wilson ascribed the death of more than one political or
2
levy officer.

By the time Sir Percy reached London, certain members of the press were calling for a withdrawal from Iraq to cut the drain on the British troops and budget. Iraq was aflame with the zeal for independence in some quarters: the mujtahids at Karbala and Najaf issued calls for Holy War (Jihad); to others it was merely the fight against any government or master over them; but the cost in lives and money grew to proportions none

1
Antonius, Arab Awakening, p. 314.

2
Wilson, Mesopotamia, pp. 273-4.

would not believe possible in such action.¹ Thus when Cox consulted with His Majesty's Government over their Mesopotamian policy, he offered them two alternatives: either evacuate or immediately set up a national government. To his mind, there was but one answer. England could not withdraw. If she did, she would lose several million pounds in capital assets, she would renege on her promises to the Arabs, leaving the area open to possible reoccupation by the Turks, and she would probably lose more lives and money in her attempt to evacuate because of the resentment it would cause. He succeeded in convincing Whitehall that the risk was worth taking, then returned to Iraq to prove it to them.

Meanwhile, before Cox arrived to take over, the burst of the insurrection was beginning to subside, as the lights of a firework rocket go out slowly, one by one, until eventually the sky is dark again. The sky was dark after the Iraq rebellion, but there was the hope of the rising sun on the morrow within the leaders, both the nationalists and the British officers. After the uprising nationalistic parties began to develop with complete self-government as their only real aim, but they pursued more peaceful methods. In July, Wilson called for representatives of the various localities of Iraq to assist in the proposals for election of the constitutional convention, or General Assembly. He invited the former representatives of Iraq in the Turkish Senate or Chamber of Deputies to meet

¹ See Ireland, Iraq, p. 273

as a committee to select a president, and to co-opt additional members to fill the vacancies in the Representation. Saiyid Talib Pasha, returned from his voluntary exile in Egypt and India during the war, was elected their president, having formerly been their most prominent Deputy. Leaders of the Mandubin who had called on Wilson in June refused their membership on the committee and tried to make a last appeal to the city mobs for calling for a Sunni celebration, the reading of the Maulud, in the principal mosque, planning to follow it with a demonstration in the city. Foreseeing disorder of a serious nature and perhaps even violence, the Civil Administration ordered the arrest of the four leaders and simultaneously, by proclamation, forbade further Mauluds. "The extremists have seen the ground cut under their feet by the formation of a moderate constitutional party round the committee of ex-deputies," explained Miss Bell, "and they have no card left but an appeal to the mob."¹ It was just at this time that the French occupied Damascus and Aleppo, sending away the Sharifian government under Faisal. In Iraq, the most important effect of this event was to cut off the subsidies coming from the Sharifian forces to the Iraq Nationalists but originally coming from His Majesty's Treasury. (This is another example of the need for Britain to pay attention to and to coordinate her Eastern policy.)

Sir Percy Cox took over the reins of the Civil Administration as the first British High Commissioner soon after the first of October, 1920. He brought a different outlook to the Civil

¹ Bell, Letters, vol. 2, p. 495.

Administration and to the people of Iraq with his confident hope for development of a nation that could govern itself in a short time. He also brought with him a sympathy for Iraq's problems and its difficulties that was felt and appreciated by those who knew him personally or by reputation. Colonel Wilson, who handed the reins to Cox, had served in Iraq under trying conditions. A man who disliked insecurity and indecision, he had to suffer owing to the lack of a clear policy for the country he was trying to govern. He is often criticized for the belief that Mesopotamia's position in the Near East picture of British foreign policy was to be the nucleus of a great new addition to the Empire in the Middle East. As a young, ¹ rather idealistic person, his concern, I believe, was primarily the development of a good, stable, democratic government for Iraq that would be a model for the other nations of the East. At first he felt Iraq had not progressed as much as her neighbors, having been under the handicap of an Empire more disinterested in her development than in that of other territories. Like his fellow Occidentals, he found difficulty in judging Iraq against its own potentials rather than against the Western idea of progress. To him, the only way Iraq could achieve progress was under a "strong British element", which included British armed forces to support the government against the minority factions and the

¹ He was only thirty-two when he first became a Political officer in Iraq in the spring of 1916.

personal ambitions of those not in the seat of power.¹ Cox, on the other hand, had many years of experience in the Middle East, particularly in the Persian Gulf; he had the confidence of the India Office and of the head of the Government of India, and he had gained the respect, even the affection, of the chiefs of the Arabs. He spoke Arabic fluently, and he could read and write it.

Because he began his administration just at the time the revolt had been quelled, Sir Percy had the advantage of being able to put the rebellion behind him and take counsel with the moderate elements. Already when he arrived he believed that there were so many problems of policy to be solved on which he needed the local leaders' consultation, that he decided on an immediate provisional government, under the Naqib of Baghdad, if only he could persuade the Naqib to take the position. This would get the formation of the Arab Government underway with a good leader. Even though he was advanced in years, his health was disturbing him, and he preferred to remain in retirement, the Naqib, Saiyid Abdur Rahman al-Gailani, did accept the position, much to the joy of the High Commissioner and his staff.

The main object of this provisional government was to prepare for and conduct the first general election in Iraq. Concerning the Ministers in this first Cabinet, it was obvious to all that Sasun Effendi, an exceptionally capable man of a

¹ Wilson, Mesopotamia, p. 314.

a well-known Baghdad Jewish family, would be chosen as Minister of Finance, and that Sayid Talib Pasha of Basrah would have a post, the Ministry of the Interior. Ja'far Pasha al-Askari was almost a foregone conclusion as the Minister of Defense. Other invitations to the provisional government went to Hasan Effendi Pachachi, Minister of Justice; Izzat Pasha, Minister of Education; Muhammad Effendi Fadhil, Minister of Public Works; 'Abdul Latif Pasha Mandil, Minister of Commerce; and Mustafa Effendi 'Alusi, Minister of Awqaf. Hasan Effendi Pachachi and Sasun Effendi sent refusals to the invitations, the first not unexpectedly, but the second, to the perturbation of many. He was subsequently persuaded to withdraw his refusal, however, and Mustafa Effendi 'Alusi accepted the portfolio for Justice, leaving the Awqaf temporarily vacant. A great number of ministers without portfolios were also appointed to the Council. With British advisers to the Ministers selected from the High Commissioner's staff, the wheels of the first Arab government in Iraq since the Abbasids began to turn at last.

One of the tasks before the new government was to make peace with the tribal forces in the country, who did not want to become citizens of any state. Citizenship to them still meant conscription, paying taxes, and perhaps settlement rather than nomadic life. As Miss Bell writes in one of her letters, "Mesopotamia is not a civilized state, it is largely

would be best to try to discover the wishes of the people composed of wild tribes who do not wish to shoulder the burden and expense of citizenship. In setting up an Arab state we are acting in the interests of the urban and village population..."¹

It was in early 1921, just after the Iraq government became a reality, that Iraq was transferred from the India Office to the Colonial office under Winston Churchill, the new Secretary of State for Colonial Affairs. Cox has written, while he worked under the Secretary of State for India, that "sound advice, and judicious support" were always forthcoming;² but the new relation did not develop as satisfactory a working arrangement. Churchill, wanting to acquaint himself quickly with the new area, summoned a conference at Cairo early in March. Sir Percy himself attended the conference, taking with him his Finance and Defense Ministers, Sasun Effendi and Ja'far Pasha. On each of the four Iraqi questions which he expected to be discussed, he was ready with a plan. To cut expenditures, he proposed an initial cut from 37 million pounds annually to 20 million pounds, with annual reductions thereafter. Regarding the question of the throne of Iraq, he was of the belief that no one Iraqi would be acceptable to all other Iraqis, and that therefore the best alternative would be a member of the Sharifian family, who would command the most, if not universal, respect. As for the treatment of the Kurdish provinces in the northeast, he thought that it

¹ Bell, Letters, vol. 2, p. 578.

² Cox, writing in Bell, Letters, vol. 2, p. 516.

would be best to try to discover the wishes of the people
his ground at that time. He went first to Iraq and made
on inclusion in or separation from the state of Iraq. The
there until the British Government invited him to London in
fourth question, a defense force for the new state in the
future, it was assumed a positive answer would not be
questioned.¹

To understand the full implications of the Cairo
conference, we have to go back a bit to look at the situation
developing in Syria, and particularly Transjordan, from the
end of the war until the spring of 1921. Faisal was head of
the Arab government organized there until he was expelled
in July 1921 by the French, who had been granted the mandate
for Syria and Lebanon at the San Remo conference in April
1920. In March 1920 a congress of Syrian notables had met
in Damascus and declared Faisal King of Syria and Palestine, and
a second group, Iraqi officers in Syria, allegedly representing
the people of Mesopotamia, offered his brother Abdullah the
crown of Iraq. The governments of both France and Great
Britain repudiated this action as being against the Mandate agree-
ment. In June 1920, without waiting further for ratification
of the Mandate agreement or the Peace Treaty, Britain had appointed
Sir Herbert Samuel the High Commissioner for Palestine,
including Transjordan, and on July 1 he began the civil
administration there.

Although Faisal had accepted the conditions of the
French ultimatum of July 14 and submitted to the troops which
occupied Damascus ten days later, when he was invited to leave
Syria, he deemed it better to leave than to attempt defending

¹
Ibid., pp. 530-531.

his ground at that time. He went first to Italy and remained there until the British Government invited him to London in December.

Faisal was an able man on whom the British in Iraq had had their eye for some time, being convinced that a son of the Sharif was the only answer to a ruler for that state, but that Abdullah was not the best man. Even before Miss Bell wrote that "...there is only one workable solution, a son of the Sharif and for the first choice Faisal: very very much the first choice..."¹ Col. Wilson asked the British Government, right after Faisal's deposition in Syria, to consider offering him the throne of Mesopotamia. This idea was first negatived by Whitehall because the French would object to such political maneuvering, in appearance, against them.

Syria as accepted by the French did not include Transjordan, but left it to Palestine, under the British. This eastern "trans-Jordan" territory had been a Turkish territory for almost four hundred years, since 1517, with the exception of the years from 1831 to 1840 when it was occupied and ruled over by Egyptian troops under Ibrahim Pasha. In August of 1920 the High Commissioner for Palestine visited in Amman and as-Salt, laying plans for local councils in the three districts of Ajlun, Balqa, and Karak to assume the administration of local affairs, with British advisers to lend them assistance only when needed. The

¹Bell, Letters, vol. 2, p. 581.

Arabs tried this, but the result both of their inexperience and of the lack of willingness of the tribes to submit to any government but their own tribal organization was a chaos of uncoordination and non-cooperation.

There was no longer a Hashimite in Syria when Faisal left, so Abdullah requested permission from his father to go north, because he believed the supporters of the Arab cause there desired a member of the Hashimite family. He gathered a small tribal force about him and set out for Ma'an, then still in the territory of the Hejaz, on his self-determined mission to force the French out. He called himself the "Vice-King of Syria", and asked the members of the Syrian Congress, as well as the officers and troops of the Syrian Army, to come to Ma'an. He justified the refusals he received from some of the Bedouin shaikhs and from some of the high Arab officers by his belief that "the rank and file of the people in Syria, however, were wholly enthusiastic."¹ With his belief in the support of the Syrian people, despite the words of caution from his father and from his brother in England, Abdullah went on to Amman.

While Abdullah was preparing for action in Syria, Winston Churchill was getting ready for his conference in Cairo, and the thought of a Franco-Arab war was perturbing. The solution he reached was to invite the son of the Sharif to meet him in Jerusalem before he went to Cairo, when he would offer him

¹Abdullah, Memoirs, p. 192.

at least temporary administrative power over Transjordan if he would give up the idea of hostilities against the French in Syria. The provisional agreement between Churchill and Abdullah set up Abdullah as the head of the Transjordan Government for six months, under the High Commissioner for Palestine. The British accepted to subsidize a local Arab force, formed to keep order in the area and to check any hostile movement against the French in Syria. Churchill asked Abdullah to attempt appeasement of the French with the hope that they would reconsider their position and then, at the end of the six months, the Sharifian family could once more be in Syria, under Abdullah. It was explained to him that the French would never recognize Faisal in Syria, so he should become a candidate for the Iraqi kingship, with the support of Husain and Abdullah. Having once given up an honored post in the Ottoman Government, proffered him when the Turks became suspicious of his actions, to remain with the Arab struggled for independence, Abdullah readily accepted this chance to take over one of the Arab governments.

Although the officials who met at Cairo had agreed with Churchill about asking Faisal to become a candidate, or in effect king-elect, of Iraq, the announcement had to await the approval of the British Cabinet. Finally on June 13, the Secretary of State for the Colonies announced that Faisal had left the Hejaz for Iraq, to become a candidate for the Iraq throne.

What acceptance would Faisal meet when he arrived? It was important that he be well-received, if he were to win support as a King for Iraq. Cox believed that many would follow the candidate the British were backing, and the Secretary's announcement of Faisal's candidacy gave these people the guidance that they had been seeking.¹ Another group, according to Miss Bell, were waiting to agree to the British-sponsored candidate, then "intrigue against him without intermission."²

After the Cairo conference it was rumored in Baghdad that Faisal was the candidate favored by the British, but no announcement could be made before the Cabinet approval, so Sir Percy published a preliminary statement which included the decision to declare a general amnesty for the leaders of the 1920 revolt. Before the announcement of Faisal's candidacy was made, a moderate Sharifian party had already begun to form, with a program submitted by the Civil Administration,³ as well as the Administration's support. Just before the Amir arrived at Basrah, plans were laid from Basrah to Baghdad for his reception and welcome. A great public ovation greeted him at the port city, and in Baghdad a fine celebration with popular approval of his arrival as a nominee for the throne was prepared. But between the two cities, little went right. The towns and villages were much less friendly than the cities in receiving him into Iraq, and the British officers with him from the Civil Administration left him confused as to the support he would receive from that source. The lower Euphrates tribes

¹ Bell, Letters, vol. 2, p. 532.

were rumored to be petitioning for a republic, and the Shi'ah mujtahids were known to be against the Sunni Amir. When Faisal's party came into Baghdad, however, they came into a warm reception from the crowd gathered to receive him.

Even before the Council of Ministers met, the idea of a referendum rather than an election began to grow in conversation and in the press. The Amir had been a good salesman of himself. As a result of his popularity (particularly in Baghdad) and of the obvious pro-Faisal attitude of the High Commissioner and his staff, the Naqib proposed to the Council on July 11 that Faisal be declared King. The vote was unanimously with him, but the condition was laid down that the King's government should be a constitutional, representative, democratic monarchy. The necessity of the people's concurrence in this choice by a referendum, as required by Sir Percy, was recognized.

Public opinion in favor of Faisal had been swayed to some extent by the removal of Saiyid Talib Pasha from the scene of Iraqi politics. On the pretext of some remarks he made at a dinner, but primarily because of his own views and ambitions, Sir Percy had him abducted from Iraq to Ceylon before Faisal arrived.¹ Not only was this an obvious sign of the High Commissioner's sympathies, but it also told the Iraqis that the British were to be reckoned with in any opposing view.

Election machinery went into action after the Council's resolution, and in slightly more than a month the answer to the

¹Vide Ireland, Iraq, pp. 323ff.

question, "Do you want Faisal to reign over you?" was known. The Sulaimaniyah liwa, did not vote, the Kurdish element there still hoping for their own state, and the Kirkuk liwa, largely Kurdish in population, opposed Faisal. This left a 96% vote to be announced in favor of Faisal. It has been pointed out that there is a question as to the correctness of this figure, the Kirkuk liwa having formed about 6% of the population of Iraq.¹ It is more significant to note that a plebiscite seldom gives a cross-section of public opinion, because it presents what is really a fait accompli for public approval. How many would oppose it?

Many of the districts added riders to their votes in the plebiscite, accepting Faisal only if the Mandate be continued under the British. The Colonial Office had cabled that Faisal must proclaim in his coronation speech that the High Commissioner would still be the ultimate authority of the land. Faisal did not accept this with alacrity, but protested that, to win and hold the extremists to his favor, he must be free to exist as an independent ruler linked to Great Britain by a treaty, as had been agreed during his conversations in London. Sir Percy also wanted to drop the Mandate as soon as the Arab state was formed in favor of a treaty with the new government.² Just before the formal accession to the throne on August 23, 1921, his order was modified, and the new King told the crowd

¹ Ibid., footnote 3, p. 334.

² Bell, Letters, vol. 2, p. 593.

gathered for his coronation that:

"My first task will be to proceed with the elections and the convocation of the Constituent Assembly. The nation should understand that it is this congress that will in consultation with me draw up the Constitution of its independence on the principles of political and social life. Finally it will confirm the Treaty which I shall lay before it, regarding the relations which are to exist between our Government and the Great British Government."¹

King Faisal called upon the Naqib of Baghdad to form the first Cabinet for the Arab Government of Iraq, but no political parties were sufficiently well-formed, nor stable enough, to seek government representation. Their energies were directed more to the nature of the government. If Iraq could obtain a treaty relationship with Britain, then it would be assured against the return of the Turks and of its own independence. In March of 1922, the extremists became alarmed by the moderates' attitude of determination, and they petitioned for permission to form their own party.² The High Commissioner and his staff realized the need for political parties, and they saw the need to combat the extremists' party with others as active as they were. Despite the moderates' attitude of determination, however, they were often pulled apart by internal differences, wasting their energy and their effectiveness in struggles against each other rather than against other parties.

Anti-mandate agitation showed symptoms of disorder again in the summer of 1922 in the Arab press, among the Euphrates

¹Ireland, Iraq, pp. 336f.

²Bell, Letters, vol. 2, p. 635.

tribes, and in the small amount and irregular manner of revenue collections. The idea of a treaty had been accepted in June by the Council of Ministers of His Majesty's Government, but it did not fulfill the one qualification considered necessary to the nationalists, namely, the end of the mandate relationship. The King and the Naqib refused to accept the mandate, arguing that a treaty may only be negotiated between equals, and that they were not equals and therefore could not negotiate such a treaty so long as they were under the mandate. The attitude of Whitehall was that the Iraq government could only conclude a treaty under the right to do so granted it by the League. The King's leanings toward the Nationalists precipitated the fall of the Cabinet on August 14, when all the members except the Naqib resigned. He remained, hoping to prevent a complete loss of confidence in the government, but within a few days he also left until the situation became less upset. Anti-mandate sentiment was first manifest by the people of Baghdad when Sir Percy went to congratulate the King on August 23, the first anniversary of his accession. A demonstration greeted him as he entered and left the palace; and on about the same date, disturbances began breaking out in other parts of the country.

To complete the crisis, Turks had entered Rowanduz and Ramia to stir up trouble, and Faisal had to undergo an appendectomy. Because there was no Cabinet to take over, and because Faisal had written Sir Percy only a few days previously bitterly

disclaiming all responsibility for what might happen should a rising occur, the High Commissioner took the reins of government into his own hands for the period of the emergency. He wasted no time in taking strong measures to stem the agitation: the ringleaders were arrested, two Persian divines responsible for anti-foreign declarations were "advised" to return to their native country, and the intriguing Arab officials were dismissed or transferred.¹ The Cairo conference had decided to put all British troops in Iraq under the Air Officer Commanding, and he was effective in discharging the Turkish forces from Ramia, but did not rid Rowanduz of them until April of the following year when Air Vice Marshal Sir John Salmond was in command.

When the King was again able to assume direction of affairs, Cox requested that he accept and endorse all that had been done while he was incapacitated, by way of indemnification.

Finally a compromise of sorts was reached in the negotiations between the Iraqis and the British. Churchill agreed to the Mandate's becoming inoperative as soon as Iraq entered the League of Nations, and the Arabs were willing to abide by this. This of course meant that the Treaty had to include a promise to sponsor Iraq for membership as soon as possible, but it did take some of the odium from the Mandate. A new Cabinet was formed by Naqib at the end of September and the Treaty was signed on

¹ Ibid., pp. 537-8.

October 10, 1922. Just one month later the Naqib resigned and retired from political life, feeling that his job in getting Iraq's government started was accomplished. Abdul Muhsin Bey took over the Premiership, reconstructed the Cabinet, and began to prepare for the elections to the Constituent Assembly.

But it was not only the native sentiment in Iraq that was to direct her future. Late in October the Coalition Government in England resigned and Iraq was made one of the issues of the elections. In the new Cabinet a committee was set up to decide the future of Great Britain in Iraq. Cox flew home for the committee's conference, believing that, as Miss Bell put it,

"...even if they don't want to shoulder the burden they have got to learn that it's amazingly difficult to let it drop with a bump."¹

The results were that the time of the Treaty of 1922 was reduced by special protocol from twenty to four years. Although at first glance this might appear just what Iraq wanted, feelings were varied. Some feared that Iraq would not be ready to carry the full load in four years; others, particularly some of the Euphrates tribes, some of the men of Basrah, and the Assyrians of Mosul, believed that their interests had been ignored; but the politicians of Mosul and Baghdad and Faisal and his Ministers were most pleased.²

The Protocol to the treaty was signed by Iraq's Prime Minister and Sir Percy on April 23, 1923. This was the High Commissioner's

¹Ibid., p. 662

²Ibid., Sir Henry Dobbs writing, p. 542.

last official act in Iraq before going home on leave preparatory to his retirement. Sir Henry Dobbs had gone to Baghdad in December 1922 as Counsellor to the High Commissioner in preparation for taking over as High Commissioner when Cox left.

Although there were still hurdles to be taken in carrying out the elections successfully,¹ Iraq was now on the home stretch toward self-government. Abdul Muhsin Bey's Cabinet resigned on November 16, 1923, over differences of opinion with Faisal, and the incompleting subsidiary agreements were finished and signed under Ja'far Pasha's Cabinet on the 25th of March, 1924, only three days before the Constituent Assembly was convened. The extremists and many of the politicians were against the Treaty and the agreements, which made it plain to the Civil Administration that approval would not be easily won. Cutting the duration of the Treaty from twenty to four years imposed heavy obligations on the new state all at once, such as expanding her army, redeeming the railway capital, and assuming her share of the Ottoman debt. Worse still, neither the Treaty nor the agreements contained a clear statement of abrogation of the economic or judicial capitulations, which the Arabs were anxious to be rid of. There was also much opposition to the maintenance of British troops on Iraqi soil.

The committee of the Constitutional Assembly set up to study the Treaty of Alliance criticized it fairly, particularly with

¹Vide, ch. V, infra.

regard to its financial measures. A solution was reached when Britain finally agreed to mitigate the financial arrangements after the Treaty was approved. When delay had gone on until June, and the British were becoming annoyed by this, they forced Iraq's hand by determining to put the Iraq Mandate before the League at its June session. They thus could give the Assembly only until June 10 to approve the Treaty. It was approved, close to midnight on June 10, and the rider concerning mitigation of the financial clauses was attached on the following day. On September 27 the League accepted the Treaty and documents as fulfillment of Article 22 (the mandate article) of the Covenant. King George V ratified them on November 10, and on December 12, 1924, they were ratified by King Faisal.

When Churchill laid down his program for admission of Iraq to the League, he included as primary qualifications that the Treaty must be ratified, an organic law must be promulgated, and there must be a delimitation of the frontier between Iraq and Turkey. The Treaty was now approved, and the Constitution was accepted one month later, on July 10. All that was still necessary was the defining of the boundaries. Ja'far Pasha and his Cabinet, who had given their supreme efforts to the work at hand, resigned with the dissolution of the Constitutional Convention to leave the work to a new Prime Minister, Yasin Pasha al-Hashimi.

The Treaty of Lausanne, signed in 1923, provided that the frontier of Iraq and Turkey should be agreed to between Turkey and Great Britain, as Mandatory, within nine months, or be referred to the Council of the League. When the latter method was used, the Turks became active in the border area, hoping to extend their territory as far as possible. Before the special meeting of the League at Brussels, however, they agreed to cease their activities. At the Brussels meeting in October 1924 a line of status quo was drawn between the two countries, to be called the "Brussels Line", and it was this line that was, in the end, accepted as the boundary between the two countries.

Iraq had had broader troubles on another frontier, too.

Raids of the Wahhabi Ikhwan of Ibn Sa'ud, then Sultan of Nejd, on the nomads guarded by the Iraq Camel Corps had almost brought interstate war, but remonstrations by Cox had prevented further hostility in the spring of 1922. Territorial questions continued to cause troubles and disputes until 1924; so a British conference was held in Kuwait to discuss matters of interlocking concern to Iraq, Transjordan, the Hejaz, and the Nejd, but it made no headway.¹ Internal problems in the Hashimite states and in Arabia, however, turned attention from the borders after this date.

In contrast with the careful guidance and watch by the British over the Iraqi Government as it was developing, the Transjordan

¹ Philby, Arabian Days, pp. 228-29.

Government, like Topsy, "jes' grew". Faisal took over a government whose organization had already been begun, but Abdullah had to create a government where none had existed. The desert of Transjordan, which makes up about four-fifths of the country, is inhabited by the Bedouins, and even the cultivated area is organized along tribal lines. Abdullah had neither money nor an organized force with which to protect any government he might set up, although he did have a number of men to form the nucleus of his administrative staff, men who had left Damascus with Faisal and who were now coming to continue their work under another son of the Sharif.

Britain had agreed with Abdullah to furnish financial support for a local force, and Captain F.G. Peake, a participant in the Arab Revolt, was sent from Egypt to assist in organizing and training a Transjordan force. At first the force was called the "Arab Army", but its pretentious designation was quickly toned down to the "Arab Legion", still the best-known Arab fighting force today. The first group of the Arab Legion were brought together in October of 1920, one hundred strong, but when arrangements for developmental aid were completed with Great Britain, the number was increased to 1,000, with Peake in command. Their units were trained only for ground work, and included a cavalry and a mountain battery, but provision was made for Royal Air Force assistance from an airfield at Amman and one at Ziza, a few miles south of Amman. The civil police

were placed under the command of the Legion soon after its inception to coordinate the work of the two groups. Such an armed force, threatened tribal independence with real governmental control, an unpopular act with the people and particularly the tribesmen. Their only previous contact with authority had been with the Turkish government, which they did not like at all. Neither had they participated in it nor understood its raison d'être.

How could they be expected, then, to take any different attitude towards another government? To them government meant restrictions on acts considered moral under their tribal law and the payment of taxes from which they received only, they believed, negative benefit.

In 1926 a Transjordan Frontier Force was created to defend the frontiers of the country under the direction of His Majesty's Government, while the Arab Legion remained the armed force of the Amirate to maintain internal security. When the 1928 Treaty was signed by Britain and Transjordan, the Arab Legion was cut to six hundred men.

The first local administration in Transjordan under Abdullah was formed in April 1921, with Rashid Bey Tali as Administrative Secretary. He presided over a Council of Advisors. A Representative of the High Commissioner for Palestine, whose office was in Jerusalem, was appointed to reside in Amman. Abramson fulfilled this position for a while in 1921, then T.E. Lawrence held the post for two months before H. St. John B. Philby arrived to take over for three and one-

half years. The Representative was assisted by two other British officers, and all of them were subject to the direction of the Palestine High Commissioner, at that time Sir Herbert Samuel. The three administrative districts of the territory were brought under the central government and governors were appointed to the districts, which were also subdivided.

In August of 1921 the Cabinet underwent its first of many changes in make-up and in form. Rashid Bey resigned and Mazhar Bey Arslan was appointed in his place, but now he was President of the Consultative Council. (Here we might note the beginning of the still-current tradition in the Jordan that the Council has always been responsible to the head of the State, rather than to a representative body.) Not long after this change, the six months referred to by Churchill in his agreement with Abdullah expired, but the Mandate agreement was not signed, so the arrangement was continued. Perhaps Abdullah was aware by this time that he was not to become ruler of geographic Syria, but only a small part of it. His needs were being taken care of by subsidies from the Treasury of Great Britain and he had his area over which he was "the highest in the land."

Abdullah's position was not always an easy one. The tribes were still rebellious at having a government imposed upon them from above. None of the rebellions, however, grew to serious proportions or beyond the ability of the Arab Legion to cope with it.

In June 1921, the Kura Nahia¹ of the Ajlun district revolted, followed by uprisings in Kerak and Tafileh. The principle shaikh in the Ajlun district, leader of the rebellion, was easily put down, and when Sultan ibn Adwan, shaikh of the Balqa district, marched towards Amman, the armored cars of the R.A.F. soon forced him to turn back. Two other risings of note occurred later. In September of 1923 the Adwan and Balqa tribes rose up, but the force of the R.A.F. and the Arab Legion quickly changed their minds for them. Tribesmen dwelling around Wadi Musa showed their dislike of government in 1925 by killing five Legionnaires. This act brought the whole Legion force against them, and the revolt was stemmed without difficulty.²

Aside from the internal needs for the Arab Legion, border troubles called out the Legion as early as 1921. Ibn Sa'ud was in the process of extending his domain and the influence of Wahhabism beyond the Nejd, and his designs extended northward to Wadi Sirhan and the Jauf district. The Ruwala tribes were making their home oasis here, accepting in principle the suzerainty of Abdallah if he would defend the area.³ The Wahhabis captured this area, and began a movement towards Amman and the districts of Transjordan. Their real drive for attack in August of 1924 brought out a combined force of the R.A.F., the Arab Legion, and even the Beni Sakhr tribesmen to meet them. In the face of the combined force, the Wahhabis soon turned back.

¹A Nahia is the equivalent of a county in a state.

²Glubb, Arab Legion, p. 60.

³Philby. Arabian Days, pp. 218-19.

Again in March 1922 the helm of government was handed to a different man, this time 'Ali Ridha Pasha al-Rikabi, a Damascene who had distinguished himself in the Faisal regime in Syria, then had come south to work with Abdullah. Mazhar Bey took the position of Civil Consultant in the new Council. By this time the government was beginning to settle down to a smooth-working organization with few serious difficulties. Besides the Syrians assisting the Transjordan administration, Jamil al-Midfa'i of Iraq was appointed governor of Karak for a short time. He had been sentenced to death by a British Military court for his work in the 1920 revolution, but had escaped from the country. When reprieve was granted, he returned to Iraq to assume important positions in later Governments there.

The Mandate for Palestine was signed in London on July 24, 1922.

Article 25 of that document stated that:

"In the territories lying between the Jordan and the Eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provisions for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16, and 18." (Articles concerning personal liberties.)

This left the way open for the League Council, in a meeting on September 16, 1922, to resolve that:

"The following provisions of the Mandate for Palestine are not applicable to the territory known as Transjordan, which comprises all territory lying to the east of a line drawn from a point

two miles west of the town of Akaba on the Gulf of that name up to the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk; thence up the centre of that river to the Syrian frontier."¹

By this means Transjordan was excluded from the area open to Jewish immigration, but was kept under the British mandate for Palestine. The Mandate for Palestine contained no provisions for framing an organic law or a constitution for the mandated territory, but the necessity for one had been seen by Great Britain. A draft law was in preparation before the League approved the Mandate, and it was promulgated on August 10, 1922, as the Palestine Order in Council, 1922. Some of the provisions of this Order were amended by another Order in Council of 1923. The resulting Order makes it plain that, although Transjordan and Palestine were under the same High Commissioner, they were to be considered as separate entities for administrative purposes.

In the latter half of 1922, the Colonial Office suggested that Abdullah visit London to consider measures for improvement of the economic and political status of the country. He left in October accompanied by Ridha Pasha and Philby. The arrangement under which he had assumed leadership of the country was confirmed, and expressions of good will were exchanged. In April 1923 the High Commissioner announced in Amman that:

"Subject to the approval of the League of Nations, His Majesty's Government will recognize the existence of an

¹League Journal, November 1922, pp. 1188-89.

Independent Government in Transjordan under the rule of His Highness the Emir Abdullah, provided that such Government is constitutional and places His Britannic Majesty's Government in a position to fulfill its international obligations in respect of the territory by means of an agreement between the two Governments."

On May 15th Transjordan's independence was declared at an official reception for Government Members and the High Commissioner and his staff.

Only eleven months after stepping down, Mazhar Bey was in the Chief Councilor's position again. In February 1923 he formed a new government, but the change he proposed in the form of the government which he had earlier initiated was not decreed until June 11. Abdullah then stated that the Consultative Council should be called the Council of Deputies and its members should be known as Deputies for their official affairs. But this whim lasted only a few months. After the rebellion of the Sultan ibn Adwan and his men in September, Mazhar's government resigned and a new man took over the reins. Hassan Khalid Pasha, who formed the new government, styled a Council of Controllers, drew up a program for his Cabinet, the first program outlined by any government of the country. It essentially called for the improvement of relations and economic ties with Britain and France, for better public security, for control of expenditures, for improvement in the means of assessment and collection of taxes, for better education facilities and for better means of communications. The program also included

a promise to give Transjordanians preference in appointment to official position,¹ a reflection of the then current dissatisfaction with the appointment of men from outside Transjordan to the administration. They had been accused of working for their own ends and of wasting the revenue collected.

Following Hassan Khalid Pasha's lead, when Ridha Pasha became head of the Council again in May 1924, he brought forth a platform on which his second cabinet would stand. In his declaration he embodied all his answers to the various accusations against his administration; he

"resolved to bring justice to the people; to spare no pains to eliminate intrigue and bribery from public life; to make public appointments on a basis of efficiency and not favour; to pursue a sound economic policy, while furthering all desirable reforms to maintain public security; and to try to form a representative council in preparation for a constitutional Government."

Although Abdullah does not mention it in his Memoirs², Philby reports that Ridha Pasha stayed but a very short time before he resigned over a difference with Abdullah. The Amir disapproved of Ridha's actions in attempting to obtain a greater subsidy from the British Government.³ Ibrahim Bey Hashim replaced him.

Philby left his post as British Representative in Transjordan in the spring of 1924. He was replaced by Colonel (later Sir Henry) Cox. The position must have been of great personal satisfaction to Colonel Cox, for he remained in Amman until 1939. Philby reports

¹Abdullah, Memoirs, p. 214.

²Ibid., pp. 214-17.

³Philby, Arabian Days, p. 231.

that he resigned because of his disagreement with the reactionary policy being carried out by Samuel as the High Commissioner for Palestine and Transjordan. Philby felt that Samuel and his Palestine staff were desirous of taking advantage of Abdullah's "intransigence and incapacity"¹ to gain tighter control of the Transjordan administration, and he stood firmly against any trespassing of what he thought was the road to Arab independence. A shift in the Palestine Government in 1925 brought Field Marshal Lord Plumer, less partial to the Zionist cause than was Sir Herbert, to the High Commissionership for a three-year period.

Transjordan's territory was increased in 1925 by the addition of the districts of Ma'an and Aqaba, ostensibly a gift from Ali, son of Husain and now King of the Hejaz. In reality, they were a defensive measure to prevent the Wahhabis from taking the territory, as they claimed Husain's Hejazi Kingdom by right of conquest. Ibn Sa'ud had by that time taken Mecca, but Jidda was still outside his conquered land and he was not yet proclaimed King of the Hejaz. The British supported the Amir's annexation of the land and the Agreement between Great Britain and Transjordan of 1928 draws the boundary of Transjordan in accord with this transaction.

Mr. Hassan Khalid Pasha came back to power with a second Cabinet in June of 1926, and to prove the individualism of the Arab, he

¹Philby, Arabian Days, p. 230.

proposed to the Amir that the Council of Deputies now be called an Executive Council under his presidency. The Amir approved this third change in appellation since the Government was formed. Again Hassan Khalid was ready with a program for the public. This time he asked the people to have confidence in the Government, the "guarantor of the taxpayer's rights"¹ and not to interfere with the work of the Government. He wanted them to support its plans for progress in social service and for peaceful relations with its neighbors. The people were promised that special attention would be given to the organization of a representative legislature. The salient feature of self-government, responsibility of the Government to the people rather than to the Amir, was not mentioned. The history of the Government's development to the present day would lead us to believe that a real democratic government was not in any way intended then: the people were not asked to voice their opinion or to participate in the Government, but rather ^{to support} the powers that be.

For a short time L. Kirkbride, seconded from the Palestine administration, sat on the Cabinet as Financial Adviser, but in September the British Government advised that he resign in favor of a local person. In April of the next year the Director of Public Works, also seconded from Palestine, resigned to be replaced by a Transjordanian. Other members of the government who were foreign to

¹Abdullah, Memoirs, pp. 218-19.

Transjordan were later in the year replaced by local citizens.

The last Transjordan Cabinet before 1928 was an Executive Council of five members and a President. A law of that year amended the Organic Law, the Palestine Order of Council of 1922-23, making the central administration a Council of Ministers limited to six members, including the Prime Minister, directly responsible jointly and severally to the Amir.

The agreement between the Governments of Great Britain and Transjordan was not signed until February 20, 1928, although provision had been made for it in the recognition of an independent Transjordan Government in April 1923. It will be recalled that the 1923 Declaration by the High Commissioner contained two conditions: that the Government of Transjordan be a constitutional one, and that the Government of Great Britain be able to fulfill her international obligations by means of an agreement to be concluded with the Amir. These British international obligations, which were satisfied in the 1928 agreement, were: the recognition of the British Government as the Mandatory Power; the acceptance of a British Resident in Transjordan to act on behalf of the British High Commissioner for Palestine and Transjordan; the agreement of the Amir to seek and be guided by Britain's advice in matters of foreign relations, financial obligations, and other interests of the British Government relating to Transjordan; the budget law and similar bills to be referred to the British Government; Great Britain to be permitted to maintain armed forces as might be necessary for either internal

order or defense. All of this was countered by the British provision that as long as Transjordan revenues were insufficient to meet the demands of the administration and the forces, the British Treasury would assist the Treasury of Transjordan. After the exchange of signatures on the Agreement, a new Organic Law was enacted for Transjordan¹ and according to its provisions, a Legislative Council was elected. This Council met for the first time on April 2, 1929, and the Agreement was soon approved by them.

When the ratification of the Constitution of Iraq was completed, three years before that of Transjordan, elections to the first Iraqi Parliament were scheduled. While they were going on, the Secretary of State for the Colonies sent a Financial Mission to Iraq to vindicate the rider attached to the Treaty of 1922 when it was passed by the Constituent Convention. The Mission found and reported that Britain had been too stringent in her demands on the new country and recommended relaxation of her financial requirements and more assistance to the Iraqi Government.² The publication of this report gained favor for the British Government among the citizens of Iraq.

When elections were completed, Yasin Pasha's Cabinet resigned over a difference between Yasin Pasha and Abdul Muhsin Bey al-Sa'dun, the Minister of Interior. Yasin was invited to form a new Cabinet,

¹Published in the Official Gazette No. 188, dated 19th April, 1928.

²See the "Report of the Financial Mission...to enquire into the Financial Position and Prospects of the Government of Iraq, 1925."

acceptable in the territory after the war was over, but was unable to do so, so the premiership was given to Abdul Muhsin. The first Iraqi Parliament was convened on July 26, 1925, to consider its own rules of procedure, the 1925-26 budget, and a few amendments that were desired in the Organic Law. Sir Henry Dobbs, then High Commissioner, wrote of the Parliament that "Its debates have, so far, been characterised by earnestness and good sense."¹

There were seven Ministers and a Prime Minister in the 1925 Iraqi Cabinet. The Ministers headed the Departments of the Interior, Justice, Finance, Defence, Communications and Works, Education, and Awqaf, and each Minister had a British adviser with no executive authority to assist him. Besides these, there were the technical departments of Railways, Public Works, Customs, Agriculture, Irrigation, and Veterinary Services, headed by British Directors, and Police, Public Health, and Posts and Telegraphs with Iraqi Directors and British Inspectors to help and advise.

An unusual situation in Iraq caused the Iraqi Parliament to agree to a twenty-five year extension of the close relationship between Britain and Iraq when, in 1925, the Frontier Commission of the League of Nations published its report. The Christians of Mosul and the Assyrian mountaineers were incited by the Russians to revolt against Turkey in 1916 and they were thus not

¹Dobbs writing in Bell, Letters, vol. 2, p. 554.

acceptable in Turkish territory after the war was over. Britain had kept most of them in Iraq, but those who had not settled on the land had drifted back across the borders, only to be chased South again in 1924. When this happened, Ja'far Pasha and Yasin Pasha, with their Cabinets, assured these peoples a home in Iraq and promised them freedom from interference. The Frontier Commission believed that it would be advisable to include all of the Mosul wilayet, including these peoples, in the boundaries of Iraq; and that the close relationship of Britain to Iraq should be prolonged to prevent the return of the Turks to the area. Parliament unanimously agreed to this. In fact, the ultra-nationalist party in Iraq thought that the British papers opposing the extension of the time were subsidized by Turkey.¹ The Permanent Court of International Justice at the Hague ruled, in November of 1925, that the League Council's decision regarding the Turco-Iraq boundary line should be binding on the two countries. When the Council voted to accept the "Brussels Line", on condition that Great Britain's relations were to continue with Iraq for twenty-five years unless Iraq became a member of the League before that time, the two States agreed to the decision. In June of 1926 Turkey, Iraq, and Britain signed a treaty permanently settling the boundary question.

After the course of the border line had been fixed, a new

¹Ibid., p. 555.

treaty was believed necessary to govern British-Iraq relations; besides, the four years of the 1922 Treaty of Alliance were coming to an end in 1926. In late December, 1925, Baghdad received from Great Britain the text of a proposed new treaty. It was quickly accepted by the Cabinet, signed, and submitted to Parliament.

Among the Parliament Members, however, there were a number who had begun to doubt the advantages of a twenty-five year extension of their relations with Great Britain. They organized their opposition into the People's Party under Yasin Pasha and asked for the treaty to be referred to a committee of Parliament for study and consideration. The Prime Minister told them, though, that forty-two members of the Government party had signed a petition to consider the Treaty at once. A secret session of the Chamber of Deputies was called for debate of the Treaty, and while the opposition walked out, the remainder of the Deputies voted unanimously for the ratification of the Treaty. The following day consent of the Senate was given.

According to the provisions of the Treaty, Britain promised to consider at successive four-year intervals whether it would be possible to obtain League of Nations membership for Iraq, which would mark the beginning of her independence. The first four-year period, according to the Protocol of April 1923, would terminate in 1928, the second in 1932. Britain did not feel that she could recommend Iraq to the League Council for membership in 1928, but in 1927 anti-mandate agitation was calling for some measure of action on her part.

For this reason she drew up the Treaty of 1927, designed as a revision of the Treaty of Alliance of 1922. It stated that, "Provided that the present rate of progress in Iraq is maintained and all goes well in the interval, His Britannic Majesty will support the candidature of Iraq for admission to the League of Nations in 1932." This clause, to the Iraqi mind, was nothing but a loophole of escape, fostering the belief that England did not plan to give them their independence after all, but planned to make Iraq one of her dominions. Because there was no faith in the intentions behind the Treaty, Iraq neglected to ratify it. High Commissioner Dobbs and his successor, Sir Gilbert Clayton, recommended to the British Government that perhaps this loophole clause was not of importance. In light of the progress made in Iraq and in the absence of some serious deterrent, His Majesty's Government finally determined that "... Iraq, judged by the criteria of external security, sound public finance, and enlightened administration, would be in every way fit for admission to the League of Nations by 1932."¹ They thus decided to recommend her to the League Council for admission in that year.

The effect of this decision was immediately obvious in Iraq.

"Distrust and suspicion gave place to mutual confidence and good will, and, whereas previously no Ministry could be found to take office, a strong and responsible Government

¹ Secretary of State for the Colonies, Policy in Iraq, 1929, p. 2.

has now been formed embracing representatives of the two principal political parties in Iraq and anxious to co-operate with His Majesty's Government in the solution of outstanding questions before 1932."2

Because she was recommending Iraq for League membership, which meant independence for Iraq, and because the 1927 Treaty had never been ratified, Great Britain wanted a new Treaty of Alliance with her erstwhile ward, before relaxing her tutorship. Thus the Treaty of June 30, 1930, was drawn up and submitted for approval to a newly-elected Parliament. It restated former provisions for alliance and defense, but nullified all previously existing agreements between the two Governments. The Treaty extends for a period of twenty-five years.

When the Mandate of Iraq came before the Permanent Mandates Commission at its meeting in June, 1932, as the first mandated territory to be recommended for independent status and admission to the League of Nations, the Commission critically examined the qualifications of the State. It concluded that Iraq was qualified to become a member of the family of nations, since she fulfilled the preliminary conditions which the Commission had laid down, namely: (a) that de facto conditions within the territory show that the country has become able to "stand by itself under the strenuous conditions of the modern world"2 and (b) that certain guarantees were promised to the League's satisfaction. These were : (1) the protection of minorities, whether racial, linguistic, or religious; (2) the protection of foreigners' priveleges and immunities; (3) the protection of

foreigners' interests in judicial, civil, and criminal cases, where they are not guaranteed by capitulations; (4) freedom of belief and worship and the free conduct of religious, educational, and medical activities of all denominations; (5) the assumption of the financial obligations carried out by Mandatory Power; (6) guarantee of personal rights acquired under the Mandate; and (7) the acceptance of the Conventions to which the Mandatory acceded for the territory.¹

There had been some question in the Commission as to the stability of the government, as judged by the large number of Cabinets which had held office during a relatively few number of years. This was explained by the British representative defending Iraq as the result of anti-mandate sentiment. Iraq was anxious to be free and independent and each political leader thought he had the ability to achieve that end, if he could get in power. Political parties, therefore, were organized solely along these lines, rather than on opposing sides of domestic or foreign problems. The explanation was accepted, and the Commission recommended positive action on the application to the Council. It was on October 3, 1932, that Iraq was welcomed into the League of Nations and that the High Commissioner became the Ambassador to Iraq.

¹ League of Nations Official Journal, November 1931, pp. 2057-58.

Chapter III

Independent Iraq

Iraq was the first Arab state to be admitted to the League of Nations. What has been the subsequent course of development of this small nation, tucked away beyond the Mediterranean and between it and India, one of the connecting links of the British Empire?

Just as Iraq had her problems before she was granted independence, she had them after that important step. The tribes were still not a part of the state structure, the Shi'ites were still dissatisfied with their role in the Government, pressure groups were still working for their own ends, the Kurdish peoples in the north-east were still wishing for a state of their own. Within the political machinery of the state, there were not yet well-organized political parties, but rather cliques of ambitious, self-confident men each hoping to show what he could do in the highest position obtainable.

King Faisal, the cohesive unit in Iraq's government, went to Switzerland in 1933 for a rest after the strain of setting up Iraq as an independent nation. When he unexpectedly died there, the void he left in the state which had adopted him could not be filled by anyone. His son, Ghazi, was young, with the mantle of youth still flung casually about him. The large proportional number of cabinets under Faisal was increased half again under his son. Faisal had been capable of controlling the politicians, and of acting as a

link between the tribal and the town populations. He won the confidence not only of the British authorities, but also of the nationalist elements and of the extremists. By concentrating a great deal of the control of the country in his own hands during the initial development of the State, he could balance all the elements at work for and against the new government to gain progress. It was on the basis of this work, in the eyes of the League, that Iraq was ready to receive her independence so soon. "Judged by relative standards, Iraq possessed a modern form of government, a well-guided public opinion, and civil servants learning by experience and growing in efficiency. Above all there was the wise leadership of King Faisal who had inspired public spirit in every department of government."¹

With the assumption of the Head of the State by the Amir Ghazi, political leadership fell from that position into the hands of the politicians who had worked most closely with Faisal. How could these men be expected to handle it as effectively? They were in the middle of the political pot and directly affected by the temperatures at which it boiled; they could not stand above, looking into it. And their medium of operation, the political party, for all practical purposes disappeared with the Mandate. One only, the National Brotherhood Party, survived 1932 until its

¹Khadduri, Government of Iraq, p. 23.

dissolution in 1935.¹ Elections were being conducted so as to ensure the success of the government candidates, and they were held with fair frequency.² Not one of the Cabinet changes under Faisal had been caused by Parliament; Parliament had only brought about its downfall. After 1933, Parliament was weak and less able to oust any Cabinet. To achieve a change of Cabinet then the politicians had to resort to unconstitutional methods which reached their apex in the coup d'état of October 29, 1936.

The Cabinet in power at Faisal's demise was that of Rashid Ali al-Gailani. His Cabinet lasted only until October 28, 1933, when he resigned and Jamil al-Midfa'i, whom we noted earlier as an exiled Iraqi nationalist in Transjordan, was asked to name a Cabinet. He tried twice to set up a Government and then conduct new elections for Parliament, but without success. He resigned in February 1934. Another man, Ali Jawdat, was waiting, equally anxious to try his luck at piloting the ship of State. Tribal uprisings eventually caused him to resign in February 1935, and Jamil al-Midfa'i tried once more. He was caught by the same conflict as his predecessor; so after one month, he left the task of governing tribe and town to General Yasin al-Hashimi. General Yasin rode into power on the wave of tribal revolts, but he was fully aware of this and of the means to overcome the tribes

¹ Ibid., p. 24.

² Ibid.

so that they might not carry him out again. To prevent any further disorder that might be stirred up among the tribes by his political opponents, he made use of the military establishment. That method he found to be successful for over a year.

If constitutional methods of causing a change in the government, that is, resignation forced by Parliament's loss of confidence in the Cabinet, be considered the first manner of changing ministries, then the instigated tribal revolts to show lack of confidence might be called the second, or ultra-constitutional, method. There was still a third unconstitutional course open to the Iraq politicians: the army; and by October 1930, one group was ready to make use of the armed forces. Thus it was that the means of securing Yasin al-Hashimi in power turned to be the boot that kicked him out, and subsequently caused the fall of successive Prime Ministers. Even from this example, it is easy to see why the entrance of the army into national politics always endangers the status of a free, democratic government.

General Bakir Sidqi and Hikmat Sulaiman were the organizers of the coup of October 1936 that set Muddish Hikmat Sulaiman at the head of the Cabinet. Early in the morning of October 29, Iraq Air Force planes dropped leaflets over Baghdad appealing to the King to dismiss Yasin al-Hashimi and to form a new "National" Cabinet. Bakir Sidqi had signed the leaflets as the leader of the "Iraq Reform Forces". This act was followed by an ultimatum to the Government to resign before 11 o'clock that

morning or to expect bombs upon the government offices. When the disturbed Cabinet had not submitted its resignation to the King by the appointed time, four bombs were discharged over the serais¹, but one of them fell into the Tigris. The other three did some material damage, but caused only one personal injury. Ja'far Pasha al-Askari, Minister of Defence in the Hashimi Cabinet, lost his life in the coup when trying to reach an understanding with the troops. Yasin and his Cabinet promptly submitted their resignation and Ghazi requested Hikmat Sulaiman to form the new Cabinet. According to a British Baghdad correspondent, the public approved of the new government and expected social reforms and progressive policies from it, as promised.² Sidqi became the Acting Chief of Staff under the new Prime Minister, a position from which he could watch political and military maneuverings with care.

Yasin and Nuri as-Said, another supporter of Faisal's policies, escaped from the country after the coup, while a slightly younger generation of politicians who had not worked with King Faisal supported the new Cabinet. None of them ever came to the fore, yet each played his part behind the scene while the Army ruled.

Although Sulaiman pledged himself not to seek self-aggrandizement, but rather to work for the good of the national government and the public interest, his opportunity to demonstrate his ability and good

¹Government buildings; akin to seraglio or French sérail.

²"Iraq: Overseas Letter", Great Britain and the East, November 5, 1955.

intentions did not last long. When four of his Ministers resigned in June 1937, he offered two of the posts to Jamil al-Midfa'i and Naji Shawkat, but neither of them accepted the offer. One finds the explanation proffered by some, that they refused merely because they did not like the Ministries offered, somewhat naïve. Whether or not this is the case, Jamil al-Midfa'i soon was offered a position preferable in prestige, that of Prime Minister again.

In August, Chief of Staff Bakir Sidqi and the current Officer in command of the Royal Iraq Air Force, Mohammed Ali Jawaah, were murdered at the Mosul airport by military officers of lower rank. Premier Sulaiman immediately ordered the arrest and trial in Baghdad of the guilty parties; but the Officer Commanding at Mosul, General Amin al-Umari, refused to comply with that directive. Instead he declared the northern district of Iraq independent from the Central Government and set himself up as the administrator of that area. This brought the downfall of the Sulaiman Government and the return of Jamil al-Midfa'i to the seat of Prime Minister. He wisely kept the control of the military for the time being by retaining the Ministry of Defence under his directorship. The new Cabinet, freed from vested interests, was received well in the capital and it was expected to enjoy popular support for its policies.

During Midfa'i's premiership, a Parliamentary committee was set up to study the political problems of Iraq with a view to

strengthening Parliament and giving it more power over the executive. The events of the previous five years had shown them their weaknesses and had created in them the desire to hold more power over the Cabinet than they had ever manifested. The one proposal that grew out of their work before it was abandoned was the negative suggestion that the Cabinet should be able to order the dissolution of the Chamber of Deputies only with the consent of the Senate. This idea obviously didn't give them more power except by making the structure of government more rigid. Constitutional amendments were not considered again until 1943.

Until December of 1938 the Midfa'i Cabinet remained in office with no real difficulty, but just before Christmas political unrest once again became evident in Baghdad. On Christmas Day, 1938, Jamil al-Midfa'i submitted his resignation, and Nuri as-Said was asked to form the new Cabinet. Now a Premier, Nuri and the agitators of Sidqi could return from the remote parts of Iraq to which they had been banished. This calls attention to the methods used when a Prime Minister desires to retain his position. The reason for the resignation of Midfa'i, generally accepted as a "bloodless coup", has been stated to be the dissatisfaction of the army officers with the policy of the Minister of Defence. With Nuri Pasha came the reversion again to the familiar lines of Faisal's policy. Those specific improvements specified for fulfillment by the new Prime Minister included the

introduction of permanent undersecretaries in the Ministries to ensure a smooth-working government despite the erratic behavior of the Cabinet, the reorganization of the administrative system with efficient civil servants to cut inefficiency and inexperience from its functions, and political liberty for all. In line with this last promise, Nuri Pasha raised the suspensions on approximately a dozen political newspapers soon after he attained his position.¹

More than one source reports that Nuri sat on political dynamite until he was able to demonstrate his determination to carry out his program. Early in March, 1939, the Army chiefs, who were restless for power again, attempted another coup d'état, but the Prime Minister was too quick for them. He halted the preparations and effectively suppressed them by arresting fifty of the officers for conspiracy.

Only a month later King Ghazi was killed in a motorcycle accident and the Crown devolved upon his six-year-old son. The boy's maternal uncle and now Crown Prince, the Amir Abdul-Ilah, was appointed by Parliament as Regent until the boy-king, Faisal II, should attain his majority of eighteen years. If there had been a lack of political leadership felt in the country when Ghazi came to the throne, its total absence was just as obvious now. The

¹"Plans of New Iraq Cabinet", Great Britain and the East, January 12, 1937, p. 39.

twenty-one-year-old Regent lacked experience, ability, and the strength of character to carry out the task imposed upon him. The course of the government was now entirely in the hands of "cliques" in and out of power. Ghazi's death caused excitement throughout Iraq, but the tension was stretched to its breaking point in only one place, Mosul. The British Consul there, Mr. Monck-Mason, was murdered the following day by an excited crowd of townspeople reacting to the rumor that the King had been the victim of a British plot.

By this time, the European powers were on the verge of war against Hitler's Nazi regime in Germany. The events of Europe had not passed without affecting the Near East, too, but it was in Iraq that they gave world notice to their effect. When war was declared between Great Britain and Germany, Nuri Pasha broke off diplomatic relations with the German Government. It earned him the label of a tool of the British, but no one noticed his support of Great Britain by any more positive act. Both the civilian and the army population became increasingly dissatisfied with Nuri. He in turn tried to seek refuge in the support of Pan-Arabism and in a warm welcome to the ex-Mufti, Haj Amin al-Husaini, from Jerusalem.

In the pre-war years Germany had been active in trying to win the Iraqis to her support. By means of propaganda, playing up to the discontented elements of the population, financial support to organizations, exploitation of commercial contacts, and sponsorship of visits to Germany, the Nazi Government was winning

support from the anti-British population.

The most important factor in the negative attitude of Iraq and its people toward Britain at the outbreak of the war in Europe was not any flare for Nazi-ism nor a strong dislike of the British from the Mandate period. The Iraqi dislike of Britain now stemmed from the decision to establish a national home for the Jews in Palestine. The reverberations of the Balfour Declaration were being felt throughout the Near East. Every disturbance in Palestine had its repercussions in Iraq, so that the anti-Jewish sentiment had grown from almost no feeling against the Iraqi Jews to a force to be reckoned with in 1941. German anti-Jewish propaganda had found its mark in the struggle for favor. Britain, as the originator of the problem, then, suffered accordingly.

Before the German Legation had been closed, it had been active in cultural, commercial, and political propaganda, of "pro-Nazi, pan-Arab, anti-British, and anti-Semitic"¹ nature. German influence did not cease when her representatives in Baghdad were asked to leave; it was merely transferred to the Italian Legation, and even the Romanian Legation was suspected of Nazi influence.² In November 1939 a Japanese Legation was set up in Baghdad, and it also became a center of Axis subversive activity.

When the ex-Mufti arrived from Palestine via Syria, he brought more trouble with him. He was admitted to Iraq on the promise that

¹"A Short History of Enemy Subversive Activity in Iraq, 1935-41", British Intelligence Report, in Arab War Effort, p. 32.

he would not indulge in "undesirable activities"¹, but he easily forgot his pledge once he had been royally welcomed in Baghdad. He set up his own staff and immediately proceeded to exert his influence on the government. Under the guise of filling "essential government positions that 'Iraq's illiteracy prevents her from providing for herself",² such as educational experts, schoolmasters, doctors, and dentists, he brought men otherwise known as political undesirables from Syria and Palestine. Whether because they were at his mercy in Iraq, or because they were convinced believers in the movement, he could persuade them to assist him in spreading pan-Arab, pro-German propaganda. In fact, a British Intelligence Report gives the impression he had the government in the palm of his hand.

"...passports were allowed at his request, refugees from Palestine were not allowed to remain in 'Iraq unless he agreed they were genuine 'nationalists', refugee cars were admitted duty free and paid no taxes, the Press and Propaganda Department did not interfere with his papers -- especially the Istiqlal paper whose Editor, Osman Zassim, had been Editor of his paper Al Liwa in Palestine (this paper was subsidized by both Germany and the 'Iraqi Government and was consistently pro-German, anti-British and pan-Arab in complexion.)"³

The ex-Mufti's greatest asset in carrying out his program was his former position and the respect which people of all classes had for him. It meant his entrée into the highest circles, where

¹ Ibid.

² "The Ex-Mufti's Role in the 'Iraqi Revolt", British Intelligence Report, in Arab War Effort, p. 36

³ Ibid.

the leaders were ambitious to assist in solving the Palestine question, each thinking he could close an agreement with Great Britain which would trade an Arab Palestine for Arab friendship with England.¹ The pro-Nazi activities were, for the most part, carried out to secure the assistance of Germany in the pan-Arab movement, which was by nature an anti-British movement. Baghdad, with the ex-Mufti, the German activity, and its collection of pan-Arabists, thus became the center of the pan-Arab movement.

In February 1940 a coup d'état was planned by the Chief of Staff, General Husain Fawzi, and the Officer Commanding the First Division, General Amin al-Umari, to put Jamil al-Midfa'i back into the Premiership. Nuri as-Said resigned but the Regent would not accept his resignation because it was the result of the Army's interference in politics. The Prime Minister, therefore, kept his position, pensioned off the scheming generals, and was temporarily in a stronger position than before.² The event is significant because it marked the beginning of open interference in politics of a group of Army Officers known as the "Golden Square", namely: Salah ad-Din as-Sabbagh, Officer Commanding, Third Division; Kamil Shabib, Officer Commanding, First Division; Fahmi Sa'ud, Officer Commanding, Mechanized Forces; and Mahmud Salman, Officer Commanding, Royal Iraq Air Force.

¹Ibid., p. 37

²"Politics in Iraq", Great Britain and the East, February 29, 1940, p. 136.

Again on March 21, 1940, Nuri Pasha resigned from office, submitting a letter which gave the intrigue being plotted against the country as the reason for his resignation. Rashid Ali al-Gailani, nominated as his successor, refused the Premiership on the basis that Nuri as-Said's letter dictated the policy a future government would have to follow, and he was not in complete agreement with Nuri. He was finally persuaded to take the position on the first day of April, 1940, and Nuri Pasha accepted to remain in the Cabinet as Minister of Foreign Affairs. Rashid Ali stayed in power until February 1941, when he stepped out for a short time and passed the governmental reins to General Taha al-Hashimi. With the assistance of the Golden Square, he returned in a coup d'état on April 3 to direct the revolt against Great Britain.

The absence of any large-scale British propaganda program in Iraq was extremely detrimental to Great Britain. The Iraqis wanted to be on the winning side of the second world war, and in 1941 it appeared that that side was the Axis one. When the Axis drive against Greece was launched, and when Rashid Ali saw a second contingent of British Indian troops disembarking at Basrah to serve in Iraq, he believed that the time had come, even if it was sooner than had been expected, to turn against Britain to show her that Iraq was not her vassal. Iraq's main drive was against the British air base at Lake Habbiniya, but the Iraq

army was not successful there. Most of the British and American residents of Baghdad barricaded themselves inside the British and United States missions, and some were placed in an internment camp. All British residents were held as hostages by the Iraq Government against the bombing of Baghdad. A relieving force for the Habbiniya units soon started on its way across the desert from Palestine, in the company of the Arab Legion under its commander, Glubb Pasha.¹ The Arab Legion men were to instigate a counter-revolt against the Golden Square government. No preparatory work had been done, however, before they arrived, so they contented themselves with assistance to the British forces to put down the revolt. They were responsible for the important task of cutting communications between Mosul and Baghdad, the supply route for the Iraq Army. The British had succeeded in putting up such stiff resistance in Greece and Crete that this also kept Axis men and supplies from reaching Iraq.

After visiting the Iraqi prisoners of war at Habbiniya, Glubb Pasha formed the opinion that the Golden Square did not expect a real battle when they attempted to take Habbiniya and to force the British from the country.² They counted on the British army being too busy on other fronts to resist here. They reckoned, however, without the British regard or need for her Empire. The revolt was an integral part of German strategy, and

¹ For an interesting personal view of this operation, see Mersat de Chair, The Golden Carpet.

² Glubb, The Story of the Arab Legion.

if it had succeeded, it would have cut the British Empire in half. Britain would have been separated from her chief source of oil, Iraq and Iran; the whole Western half of the Empire would have been cut off from its source of raw materials while the Eastern half would not have been able to obtain needed supplies.

When the Arab Legion was closing in on Baghdad from the North, and the Habbiniya force was marching from the North and the West, and the British and Indian forces were stationed at Basrah, Rashid Ali's mind turned from defense to escape. There was only one remaining avenue, by way of Persia. He left for Iran with his Ministers and the Golden Square the night that the British Ambassador, Sir Kinahan Cornwallis, arranged by wireless to Habbiniya for an Iraqi flag of truce. The ex-Mufti of Jerusalem fled the same night, May 30, 1941, to Teheran. Later he went to Italy and to Germany, whence he broadcast on Moslem festive occasions messages of encouragement to the Arab and Moslem world.

The Regent and the King, as well as numerous Iraqi leaders, fled Iraq after the coup of April 3, but they returned to take over the government again as soon as the revolt had subsided. Another Cabinet was formed under Jamil al-Midfa'i and the people settled down once more.

In June 1943, when the first Parliament to last a full term of four years was coming to an end, the retiring members deemed the moment opportune to consider several constitutional amendments, all tending to strengthen Parliament against subjugation by the executive.¹ The Government proposed a draft amendment in the Chamber, in which the Senate had informally concurred. To obtain a joint agreement, a three-man committee of one Senator and two Deputies met in conference, and after one session the committee was ready to present the completed draft to Parliament. They provided for the succession to the throne, to prevent an interruption and long interregnum, and they gave the King the power to demand the Cabinet's resignation, if he deemed it in the interests of the country to do so.² Deputies of a dissolved Parliament were henceforth awarded their salary for the remaining months of the Parliamentary session, in the hope that this would act as a brake on the dissolution of Parliament by the Cabinet. The right of pardoning a person convicted of being party to a plot or a violent act against the State or Government or of coercing the King or the Government, was withdrawn from Parliament and left entirely as a prerogative of the Crown. The number of Ministers was increased to a minimum of seven including the Prime Minister, (Ministers without portfolio may

¹Vide, Ch. V, p. 96, for an explanation of the procedure required for amendment of the Iraq Constitution.

²Vide, Ch. V for the development and provisions of the Iraq Constitution.

be appointed in addition to the seven when necessary), and a provision was included to allow the adoption of provisions from other democratic constitutions if it appeared advantageous to do so. This latter provision is contained only in the Iraq constitution, as far as it has been possible to determine, and would demonstrate a desire to keep in step with the progress displayed in other constitutions, whenever such additions or changes are in harmony with the local conditions of Iraq.

Iraq is still allied with Great Britain by the Anglo-Iraqi Treaty of 1930, although an attempt has been made to draw up a new treaty of friendship and alliance. Salih Jabr, in 1947, became the first Shi'ite Prime Minister of Iraq and, in answer to the demand for revision of the 1930 Treaty, he included in his program the promise "to seek the revision of the Anglo-Iraqi Treaty on the basis of reciprocal interests on an equal footing and in the light of the principles and provisions of the United Nations Charter, so as to further consolidate the traditional friendship existing between Iraq and Great Britain".¹ The Prime Minister, his Foreign Minister, Dr. Fadgil al-Jamali, his Minister of Defence, Colonel Shakir al-Wadi, and Nuri Pasha, President of the Senate, went to London in January 1948 to negotiate the new treaty. Like the 1930 treaty, this new one was primarily concerned with the military relations of England in Iraq.

¹ The Middle East, Royal Institute of International Affairs, pp. 251 ff., as quoted from "The Cabinet Programme of H.E. Saleh-Jaber," Baghdad, 1947.

England wanted to maintain the two air bases at Habbiniya and at Shaiba and to have the right to use them until such time as the peace treaties with the enemy countries of World War II should have entered into force. An Anglo-Iraqi Joint Defence Board was to be set up under the Treaty to coordinate the defence of the two nations concerned and the use of the air bases after the treaties had become effective. Reciprocity was to be granted to Iraqi planes desiring to use specified R.A.F. fields in the British Commonwealth. The treaty was signed at Portsmouth, England, and its provisions were announced on January 16. When Baghdad learned the terms of the treaty, it broke forth in hostile demonstrations and rioting. Because of the furor it provoked, the Regent was forced, after consultation with the political leaders, to announce on January 27 that the Treaty would not be ratified.¹ Further demonstrating occurred upon the return of the Prime Minister to Iraq. To avoid more trouble, he submitted his resignation immediately and left Baghdad. The new Prime Minister, Mohammed Sadr, announced on February 4 that his Government was rejecting the Treaty. When the Government changed again, a year later, to bring Nuri as-Said back as the Prime Minister, a rapprochement toward Britain was effected, but no new treaty was attempted.²

¹ The Middle East, Royal Institute of International Affairs, p. 253, suggests that the rioting and demonstrations which occurred in January 1948, after the announcement of the Treaty terms, may have been due at least in part to the absence of so many key leaders from Iraq, or to the "bread crisis to which the grain hoarding and speculation of many leading Iraqis had contributed", or to the prevailing political winds in Iraq, or to a combination of the three.

² An air treaty is now being negotiated between Great Britain and

Chapter IV

Transjordan Becomes Independent

By 1929, when Iraq was already looking forward to the day that she would become independent, Transjordan was just preparing for the first meeting of its Legislative Council. From April until June 1929, the Council met to ratify the 1928 Treaty with Great Britain. Before the first ordinary session was opened in November 1929, Hassan Khalid Pasha, styled the Chief Minister under the new Constitution, declared that officials from other governments should not remain on the Transjordan Executive Council. The two still remaining were dismissed and Khalid Pasha nominated two elected members of the Legislative Council to take their place. He resigned but was called back to form his new Government on this basis. In practice, however, it was discovered that elected members were not a satisfactory solution to the problem of filling the Executive Council positions, because the Executive Council had assumed responsibility to the Amir only, whereas the Legislative Council was, by nature of its composition, responsible to the electors. For this reason the two members resigned their seats on the Legislature and two new members were elected to replace them.

Hassan Khalid, after having been Chief Minister for five years, resigned in early 1931. The Amir had dissolved the

Legislative Council because it would not approve the budget nor grant the Government's demands, but wanted more freedom from Great Britain in these matters. In February Shaikh Abdullah Effendi Sarraj became the Prime Minister, "retaining personally the functions of President, Chief Justice, Minister of Internal Affairs, Minister of Finance and President of the Executive Council."¹ During his Ministry he wanted to make the Ministers legally responsible to the Amir, a principle which had been assumed but left unstated in the Constitution, and he wanted to modify the Treaty of 1928 to give Transjordan more independence. In addition, he promised free elections for a new Legislative Council, social reforms and economic developments for the country. At least one point was partially carried out: peaceful elections for a new Council were held in June.

In the summer of 1930 Great Britain decided to put an end to desert raids in Transjordan. The Ottoman Government had never tried to administer the desert or nomad tribes, but now the traffic over the desert and the raids of the Ikhwan were making order necessary. J.B. Glubb, an English soldier who had done outstanding work with the Civil Administration in Iraq, was appointed to establish, with the Arab Legion, a Desert Patrol. After unsuccessfully trying to achieve his

¹ Abdullah, Memoirs, p. 219. The "President" is the Presidency of the Legislative Council.

end with men from the Arab Legion, Glubb sent them all back to their Amman director to free himself for a different method of attack. He began to talk with the tribesmen, explaining to them that they could not fight the British Government, the Transjordan Government, and Ibn Sa'ud all at the same time, but that they would have to begin to solve some of their problems in a more peaceful manner.¹ From the Huwaitat tribe, the principle transgressors, he eventually secured a nucleus for a Patrol. By using men from the tribes and by seizing animals from the raiding parties, Glubb was able to prove to them that the Government meant business. They soon learned these new ethics, and by July 1932 the raiding had ceased. The last raid occurred when a group of Sa'udi Arab raiders fell on the flocks of camels of the Huwaitat, who had slipped into Sa'udi territory for grazing. Glubb, now Glubb Pasha, the Commander of the Arab Legion, boasts that not one casualty among either Government or tribes occurred in the effort to stop raiding in Transjordan. Nor was there any attempt to revive the raiding at later dates.²

When internal tribal difficulties were overcome, the Transjordan Government was able to ask the Sa'udi Arabian Government to control its own tribes against raiding across

¹ Glubb, The Story of the Arab Legion, p. 78.

² Ibid., p. 112.

the border. In 1932 a delegation led by the British Resident, Colonel Cox, went to Jidda to confer with the government of Ibn Sa'ud. Tawfiq Pasha abul-Huda as the Transjordan member and Glubb as technical advisor accompanied Cox. Among the provisions of the agreement it was specified that each government should appoint a frontier inspector to meet occasionally on the border to settle any questions arising between them. This method succeeded in solving future problems quite amicably.¹

The Amir dismissed Shaikh Abdullah in 1933, and because the British Resident objected to Hassan Khalid Pasha, he appointed Ibrahim Pasha Hashim as the new Prime minister.² Ibrahim Pasha kept the portfolios of the minister of Justice and the Chief Justice when he formed his Cabinet. He announced as his program the furtherance of the country's interests by an ambitious policy of economic development, and the fulfillment of the Constitution by the necessary legislation.

When Abdullah visited England in June 1934 to arrange an appendix to the 1928 Treaty, he retrieved the right to appoint consular representatives to other Arab states. This was, however, only a nominal display of greater independence.

Throughout this period Transjordan was developing peacefully; the entire Arab Legion was scattered over the country and from

¹Ibid., p. 206.

²Abdullah, Memoirs, p. 224.

1930 to 1936 no reserve forces were kept for an emergency.

The idea of a beneficial government, new as it was to the Arabs, was a bounty to them. By 1939 nearly every Bedouin owned land and flocks which assured him a living. After 1936 the Palestine problem became a threat to the internal security of the Amirate, and border troubles soon made a reserve force essential. The Transjordanian Arabs, despite their neighbors' problems, remained quiet throughout the pre-World War II tribulations. The attempts of Palestinian Arabs in 1939 to incite them to rebel against their "British-dominated" government was unsuccessful. Occasionally a sensational news story would leak out that revolts were occurring in Transjordan, but they had little basis. One British correspondent in Amman succinctly stated the situation when he wrote that:

"The facts are otherwise. There have been good early rains in Trans-Jordan, so that the peasants, the fellaheen, are busily and happily ploughing, and the Bedouin are grazing their flocks out in the desert" .. however, "It is not to be denied -- and this is freely admitted -- that the Trans-Jordanians take the keenest interest in events in Palestine."¹

During this period of unrest in Palestine, Tawfiq Pasha Abul-Huda formed a Cabinet on the basis of national loyalty. When he assumed the Premiership in September 1938 he resolved to achieve the same sovereignty as other Arab states enjoyed and to give full allegiance to the cause of Arab national unity.

¹ Kenneth Williams, "What is Happening in Transjordan?" Great Britain and the East, November 11, 1937, p. 647.

With these ends in view, he journeyed to London in 1939 to represent Transjordan at a conference on Palestine and to confer with His Majesty's Government. As a result of his conference he agreed to revise the Constitution to convert the Executive Council into a Council of Ministers responsible to the Amir. It is obvious that this enabled Great Britain to keep full control of the Government through the Amir, as all the power rested ultimately with him.¹ The restrictions on the Amir's power of raising and maintaining military forces in Transjordan were removed, but it must be remembered that Britain held, and still holds, the purse strings. Although this agreement was considered to be an advancement in independence for Transjordan, it is not so when one looks beyond the freedom granted to their functional practicalities.

In his Memoirs, Abdullah speaks of the interference of Sir Henry Cox, the British Resident, in Government matters as undue interference which made the work of Government difficult.² Abdullah gives him credit for sincerity and honesty of purpose, yet he did not get along well with him officially. After Sir Henry's objection to Tawfiq Pasha as the delegate to London in 1939 in favor of Ibrahim Pasha, Abdullah asked the High Commissioner in Jerusalem, Sir Harold McMichael, if thought might not be given to a new British Resident.³ Before the end of the

¹Vide Chapter VI, p. 138

²Abdullah, Memoirs, p. 224.

³Ibid.

year¹ Alec Kirkbride (now Sir Alec Kirkbride, His Majesty's Minister to the Hashimite Kingdom of Jordan), replaced Sir Henry.

When war broke out in Europe in 1939, Transjordan followed the British lead in declaring war on Germany, and she formally placed her Arab Legion forces at the disposal of His Britannic Majesty's Government. Their assistance was noteworthy in two campaigns, in the crossing of the desert to quell the Iraqi revolt and in the North African campaign, where they assisted in routing the enemy and fought at al-Alamein. Nazi German influence was felt in Transjordan before and during the war, as well as in the other Arab countries. Abdullah sent a memorandum in May 1941 to General Sir Henry Maitland Wilson, Commander of the Allied Forces in Palestine, which included his belief that, "German propaganda has obviously been effective in Iraq. It has made its way into schools and colleges in Syria, Egypt, Palestine and Transjordan, as well as among labourers and workers in the factories and fields."¹

Tawfiq Pasha formed several Cabinets at the request of the Amir before he left the post of Prime Minister to another in October 1944. Samir Pasha ar-Rifa'i proposed the new Cabinet and gave himself, in addition to the Premiership, the Ministry of Foreign Affairs and the Ministry of Defence. Although he was following the previous Government's program, or perhaps because he was, he stayed at his task only a few months, then

¹Ibid., p. 235.

resigned in May 1945 to allow Ibrahim Pasha Hashim to again form a Council of Ministers. The new Prime Minister's program was more easily formulated than implemented: the achievement of full independence for Transjordan.

To achieve this desired end, Ibrahim Pasha and the Amir went to England in February 1946. They were perhaps more successful this time than on any of their past excursions abroad, at least in a semantic fashion. A treaty was negotiated with Great Britain, which finally brought an end to the Mandate relationship until then existing. The treaty was signed on March 2, 1946, and the Legislative Assembly amended the Constitution on May 25, 1946, to change the country from an Amirate into a Kingdom: the Hashimite Kingdom of the Jordan.

Despite their pleasure at having passed the Mandate stage, the Transjordanians soon felt that the new Treaty was too restrictive and was too open to the criticism that their country was still under the tutelage of Britain. For these reasons they succeeded in negotiating a new treaty with His Britannic Majesty's Government in March 1948, signed at Amman by Sir Alec Kirkbride and Tawfiq Pasha abul-Huda, the Prime Minister, and Fawzi Pasha al-Mulki, Foreign Minister. It was ratified in London on April 30. This new Treaty is to govern Jordan's relations with Great Britain for twenty years. It is a treaty of mutual alliance, with additional assistance to be rendered Jordan by Britain in peacetime in maintaining security measures. As had

been attempted in the Iraqi Portsmouth Treaty, a Joint Defence Board is provided to coordinate the defence of the Kingdom. British aid in social and economic development and financial assistance to the Government are provided for in an exchange of notes which accompany the Treaty. It is a Treaty dictated by the conditions of the country, conditions which can not be alleviated internally without radical changes in the economic life of the nation. These, in turn, can not develop beyond the natural resources existing there. What future history may hold for this land, we can only estimate. Current conditions indicate the Jordanian Kingdom as now constituted will be forced to rely on Great Britain for years to come.

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Chapter V

The Iraq Constitution

As we have earlier seen, England committed herself in the Anglo-French Declaration to an indigenous Government in Iraq, freely chosen by the Iraqi people. With foreknowledge of the League of Nations' plan to adopt a mandate system, Great Britain had reason to believe she would be awarded the Mandate for Mesopotamia. In fact, as early as February 14, 1919, we find the India Office telegraphing the Civil Administration to ask for an outline of a proposed constitution "of Arab State or group of States".¹ The telegram reminded the Civil Commissioner of the commitment to an indigenous administration to which His Majesty's Government sincerely desired to give effect in spirit as well as in letter. It forgot, however, that Iraq was to be free to choose the government she wanted. The objective should be, it set forth, a flexible constitution

"...giving full play to different elements of population and recognizing and incorporating local peculiarities and idiosyncrasies such as will provide for Arab participation as the time goes on in the actual Government and Administration of country, and preventing Arab nationalists from being drawn into opposition to British control."²

The forgetfulness, we see, was intentional. In response to this request, Commander D.G. Hogarth, Miss Gertrude Bell, and Col. T.E. Lawrence drafted a constitution closely reflecting

¹ Secretary of State (S/S) for India to Political, Baghdad, February 14, 1919, quoted in Ireland, 'Iraq, p. 180.

² Ibid.

the provisions of the Mandate, then in draft. For various reasons, this effort was left to lie on the table.

The next attempt at constitutional proposals was made by a committee set up in late March, 1920, under the chairmanship of Sir Edgar Bonham-Carter, Judicial Officer, when the Acting Civil Commissioner believed that the Mandate settlement was near and that the country urgently needed sedatives in the form of obvious progress towards independence to quiet its uneasy nerves. According to Sir Edgar, the Committee, in preparing its report was not aware of the work the three-man committee had done in the spring of 1919.¹ In the opinion of the committee, until the mandate was granted the Civil Administration could relinquish but little of the powers of Government, and it suggested measures with this object in view. As soon as conditions quieted after the announcement of the mandate, however, the Committee proposed that a Legislative Assembly be convened to vote on a state constitution. By this time the Mesopotamian officers believed that, although the ultimate control would still remain in the hands of Great Britain, the local population should be consulted, to some extent, on their new government. Whether or not the people played a decisive role, they would feel that they had had a hand in determining Iraq's future. Bonham-Carter himself wasn't in complete agreement with the ideas of his committee, and when the proposals reached London, the Interdepartmental Committee there

¹Interview with Sir Edgar Bonham-Carter, November 28, 1935, as stated in Ireland, 'Iraq, p. 201.

first rejected them. Lord Curzon, then Secretary of State for Foreign Affairs, noted that the proposals were more a British Government in Mesopotamia with gradually increasing Arab elements than a Mesopotamia Government aided and encouraged by British advice. In view of the delay in naming the mandatory for Iraq and the resultant growing unrest among the nationalists elements, the Interdepartmental Committee decided in the end to allow a provisional government to be organized along the general lines of the Bonham-Carter Committee proposals, on the express understanding that there would be increased Arab participation. Authority to make a pronouncement to this effect and also to announce the return of Sir Percy Cox to Baghdad as Chief British Representative in Iraq went out from Whitehall on June 7, 1920; Acting Civil Commissioner Wilson, however, fearing protests of independence on the part of the extremists during the month of Ramadhan, then current,¹ replied that he would issue the announcement at the end of Ramadhan, about June 18.² Although this provisional acceptance in principle³ was given to the proposals made by the Bonham-Carter Committee, they did

¹The month of fasting according to the Moslem calendar.

²The announcement was actually made June 20, 1920, in Baghdad.

³Ireland, 'Iraq, notes the peculiarity of the S/S for India stating that subject to reservations on points of detail, the proposals were accepted in principle for immediate enactment, though the differences of opinion concerning the Council of State are fundamental: whether it should be predominantly British, predominantly Arab, or all Arab, p. 218.

not become the basis of the Constitution finally adopted by the Constituent Assembly.

Great Britain still desired to assist Iraq in establishing a constitutional government, and this idea was instilled in some of the leading notables and shaikhs of Iraq. That it would be a monarchical government was predetermined by Arab tradition and by British support of the monarchical system. The provisional government in the meeting of the Council of State on July 11, 1921, when Amir Faisal was declared King of Iraq, bound the new King to a "constitutional, representative and democratic Government, limited by law".¹ By Article III of the Treaty of Alliance, His Majesty the King of Iraq agreed to present a draft organic law to a constituent assembly and to give effect to the accepted law "which shall contain nothing contrary to the provisions of the present treaty and shall take account of the rights, wishes, and interests of all populations inhabiting Iraq."² Article III charged the drafters to produce a document which would ensure complete lack of racial, religious, or linguistic discrimination among Iraqis, specifically in the free exercise of all forms of worship, and in the right of each community to educate its members in its own language in its own schools, provided that the schools

¹ Extract from Minutes of Council of State, July 11, 1921, as quoted in Ireland, 'Iraq, p. 371.

² Treaty of Alliance between Iraq and Great Britain, October 10, 1922, Article III.

conformed to certain Government-imposed general educational requirements. On the British drafters lay the responsibility of drawing up a law that would support the British position in Iraq as the mandatory power.¹ In addition there was the problem of making the constitution flexible enough to keep the Nationalists from opposing it while keeping it rigid enough to prevent opposition and extremist groups from changing it to suit their will in letter or in interpretation.

With all these things in mind, in late 1921, Major H.W. Young of the Middle East Department of the Colonial Office and Mr. M. E. Drower, Advisor to the Minister of Justice, drafted what was known as the Baghdad Project of the Constitution, drawing on constitutions of members of the Commonwealth. Afterwards they expanded it with the assistance of Mr. Nigel Davidson, Legal Secretary to the High Commissioner in Iraq. When shown to King Faisal, it was accepted in principle by him, then it was forwarded to London for review. At the same time Faisal referred the draft to a committee composed of Naji Pasha as-Suwaidi, Sasun Effendi Haskail, and Rustum Haidar, Ministers of Justice and Finance in the provisional Government and Secretary to His Majesty, respectively. They believed that a constituent assembly would never accept some of the articles, and so, with the help of members of the Civil Administration they prepared another draft, drawing this

¹Despatch, Legal Secretary, Baghdad, to Middle East Department, August 17, 1922, C.O. 43338/22, as referred to in Ireland, 'Iraq, p. 372.

time on the Ottoman Constitution under which they had been governed for a short time prior to the outbreak of World War I. This Baghdad Draft was sent to the Colonial Office on March 16, 1922, and became the foundation of subsequent drafts.

The Colonial Office returned its first revise of this second draft on April 16, one month after it had been sent to them.

On objection of the Ministers that the Crown still had too much power, a view supported by the Colonial Office, the Council of State referred the document to a second committee of Naji Pasha and the Judicial Adviser, and gave them power to ask local lawyers for assistance. The Baghdad Draft and the First Colonial Office Revise were synthesized into a Baghdad Redraft, in which the Crown's powers were reduced, the Ministers made responsible to Parliament rather than to the King, and the King was given power to legislate by decree when Parliament is not in session. This Redraft was not submitted to the Colonial Office until February 15, 1923, by which time public opinion in Great Britain had caused her to re-evaluate her Middle Eastern policy, on the idea of giving the Arabs more freedom in Government and requiring less of the mandatory. With minor modifications, but with insistence on acceptance, the final Colonial Office Revise was despatched to Baghdad on April 19. During summer discussions a few minor amendments were suggested and were approved in London, and the Arabic phraseology was polished up to the standards of smooth expression characteristic of the language. Although it lends literary quality to a

document, the polished expressions make the legal meanings less clear and precise. Finally, on September 20, 1923, the constitution was ready for presentation as a Draft Law, having passed through six distinct stages, after the project was embarked upon.

Although the primary task had been done for the Constituent Assembly by the various committees, it still remained to them to consider and to accept the draft law as the constitution for Iraq. A Royal Iradah¹ was issued on October 19, 1922, ordering registration for elections for the Assembly to begin on October 24. The elections were, however, immediately interrupted when the Shi'ah Ulama opposed them. Led by Shaikh Mahdi al-Khalisi, they issued fatwahs² forbidding participation, and in Shi'ah areas the elections were effectively stopped. Among those not affected by the fatwahs, many were afraid to register for fear that the plan was a ruse for obtaining names for conscription.³ When the resistance of the Shi'ites became vigorous, to the extent of organized demonstrations against the Government, the Council, backed by its Advisers, ordered the arrest and deportation of Shaikh Mahdi and members of his family to Persia, whence they had come.⁴ At this, other Ulama, primarily Persian ones, left for their home state in protest. Although disapproving this act, the Government

¹An Arabic word meaning "will" which was borrowed by the Turks to indicate an autocratic act by the Sultan. Its current meaning is an issuance by the King.

²Statements of legal opinion on the issues.

³Al-Iraq newspaper, Baghdad, December 2, 4, 1922, as quoted in Ireland, 'Iraq, p. 392.

⁴Administrative Report. Iraq Civil Administration, 1922-23.

helped expedite their departure. Elections were resumed on July 12, but further delays kept them from being completed until February 25, 1924.

The Constituent Assembly met for the first time on March 27, 1924, fulfilling thereby many a British and Iraqi ambition. The occasion was marked by an eloquent address by King Faisal before the Assembly before a large audience, which included the High Commissioner. Before the representatives could consider the Constitution, they had to approve the 1922 Treaty of Alliance, as yet unratified. With this accomplished on June 10-11, 1924, the draft law came before the Assembly. As a matter of procedure, the law had been referred to a special committee of the Assembly on April 10, but the men were so busy discussing the Treaty that they did not give the draft close attention. When the treaty, therefore, was suddenly approved, the committee had examined in detail only sixteen of the one hundred twenty-three articles of the draft law. No essential modifications were made by the Assembly, as the earlier committees had done their work well. Any proposals for change were always taken back to the draft before the legislators by counter-proposals. Finally, on July 10, 1924, the Constitution was approved by the Assembly, and with the signature of the King on March 21, 1925, the Constitution for Iraq became immediately effective.

Beginning with the impersonal "We, King of Iraq" the very first sentence of the Iraq Constitution continues, "As a result

of the decision of the Constituent Assembly, have confirmed our Constitution and have ordered its promulgation." This makes it quite clear that the document is not a grant by the King to his people. He does not claim to rule by virtue of any divine power of right. The Constitution has come from the people and acts as a limit on the powers of the King.

The introduction to the Constitution states that "Iraq is a sovereign State, independent and free", that she has a hereditary monarchical Government, representative in form, and that her territory shall not be partitioned nor any part be ceded, (Art.2); that Baghdad is the capital of Iraq, but in case of need, it will be constitutional (as well as necessary!) to move the capital elsewhere, temporarily, (Art.3); and it describes the flag, (Art.4).

Part One lays out the rights of the inhabitants of Iraq: those rights, protections, and duties which any people may expect of a democratic state. As in other Near Eastern constitutions, some of the rights are granted as absolute, while others are limited to conformity with the laws of the country, generally without an indication of the limits to which those laws may extend. If the lawmakers so decided, they could, within the framework of the Constitution, seriously limit the liberties of the people. Throughout Part One, the prohibition of discrimination because of race, color, or creed is preserved, one of the guarantees insisted upon by the League of Nations of any mandated territory before it would be recognized by them as an independent State.¹ Those rights which

¹ See the Minutes of the meeting of the Council of the League of Nations, September 4, 1931, League of Nations Official Journal, 1931, pp. 2057-58.

are guaranteed without restriction are equality before the law, (Art. 6); personal liberty of all inhabitants of Iraq, absolute prohibition of torture and deportation, (Art. 7), absolute prohibition of unpaid forced labor and the general confiscation of moveable and immoveable property, (Art. 10), and equality in civil, political, and military rights and duties. No non-Iraqi may hold one of the latter positions unless it is classed as one of the "exceptional circumstances" determined by law, (Art. 18). Rights granted to Iraq's citizens within the terms of subordinate laws are freedom from arrest, detention, punishment, bondage, armed service, and forced residence in any location, (Art. 7); inviolability of residence, for which no limits are laid down for the law of entrance and search, (Art. 8); freedom of expression, publication, meeting, or association, for which no qualifications -- sadly enough -- are laid against the law (Art. 12); right of individual petition to the King, the Parliament and public authorities, (Art. 14); freedom of secret communication by post, telegraph, or telephone, except when censorship or detention is sanctioned by law, (Art. 15); and the right of the various committees to establish and maintain schools using their mother tongue, qualified only by the necessity of conforming to general programs prescribed by law, (Art. 16).¹ Article 9 gives every person the right of recourse to the courts, and to the competent courts for his case, in accordance with a special law. The rights of ownership of Iraqis

¹The Declaration of 1932 contains further Government commitments for the education of minority groups. Vide infra, p. 134.

are protected in so far as expropriation may ^{be} only for the public benefit and on condition that just compensation is paid for the expropriation, also within the terms of the law. To guarantee equal taxation for all citizens, taxes and duties may only be imposed by law and they must apply equally to all liable to the tax, (Art 11).

Arabic is designated as the official language of the state, except when a law provides otherwise, (Art. 17). The exception is intended to allow Kurdish and Turkish communities and others where a minority generally speaks a language other than Arabic to use their own language, particularly in education (supra) and before the courts.¹ Article 13 declares Islam to be the State religion and guarantees the freedom to all sects of Islam to conduct their rites. Full freedom of conscience and or practices of worship, "in conformity with accepted customs" is guaranteed to all resident in Iraq, whether citizens or not, "provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality." Iraq nationality is left to be established by law, (Art. 5).

Part Two, the Prerogatives of the Crown, is initiated by proclaiming that, "The sovereignty of the constitutional Kingdom of Iraq resides in the people", and that the King's sovereign position is a trust given him and his heirs in confidence by the people, (Art. 19). The line of succession in Iraq, in contrast with the

¹Extended by the Declaration of 1932, Article IV. Vide infra, p.134

past methods of devolution in the Moslem world, passes the claim to the throne to the eldest son of the King, in direct line. If there is no Heir Apparent under this rule, the throne shall pass to "the ablest adult male Iraqi of the sons of the eldest of the sons of King Hussein ibn Ali" (Art. 20). The object is easily seen, to keep the title in the same family, but should there be more than one who might be considered for the throne, how it will be decided which one is "the ablest", is not mentioned.

If the King has not attained eighteen years (the age of his majority), when he ascends the throne, as in the case of the present King, Faisal II, his powers are exercised by a Regent who may either be chosen by the former King, or if he should not appoint one, be selected and appointed by Parliament. Even a Regent named by the King must be approved by Parliament before acting in the name of the King. Should the necessity for appointing a Regent arise, Parliament is to assemble immediately. During the interregnum the rights granted the King by the Constitution are to be carried out by the Council of Ministers "on behalf of the people of Iraq?" and they will be responsible for their acts thus committed. No amendment to the Constitution concerning the prerogatives of the king nor the succession to the throne may be introduced during a Regency, (Art. 22). The logic of this provision needs no explanation.

Because by custom and tradition, the position of the head of the state is never left vacant, if possible, more than the short space of time necessary to install a new representative of the

executive or a new head of state, the preceding article provided for immediate action by Parliament if ever the throne is vacant. In Iraq, the King is considered unable to properly carry out his functions when he is out of the country, thus leaving his duties in Iraq temporarily unfulfilled. For this reason, the Constitution provides in advance the procedure to be followed when the King wishes to leave the country, (Art.23). His journey, for which permission must be obtained from the Council of Ministers, is limited to four months unless Parliament then consents to grant him more time. Before he leaves, the King must appoint a Regent or a Council of Regency, and he must define the powers which he delegates to this representative. These actions must be approved by the Council of Ministers, who are excluded by the Constitution from being selected by the King as his representative, (Art. 23). Should the King be invited to sit on a throne other than his own in Iraq, his acceptance would require the approval of Parliament, (Art. 24).

When he takes the crown, the King is required to take the oath, before the Parliament, meeting as one body, of loyalty to the Constitution, to the independence of Iraq, and the nation, (Art. 21). Similarly, a Regent representing the King must also take the oath before acting in an official capacity, (Art. 23).

Article 25 lays down that "The King is safeguarded and is not responsible." This is a prerogative of a monarch of a head of state in a Parliamentary government. In Iraq we see this

responsibility lifted from the King, devolves upon the Council of Ministers. According to Article 27, the King exercises his powers by means of Royal Iradahs, issued upon the proposal of a Minister or Ministers, with the consent of the Prime Minister, all of whom sign the Iradah.

As the chief executive, the King's first duty is to promulgate the laws enacted by Parliament, (Art. 26). If necessity for urgent legislation should arise when Parliament is not in session, the King may issue ordinances having the force of law; the only approval needed is that of the Council of Ministers, who must sign the ordinance. To keep this provision from giving the executive branch of the government too wide powers when the legislature is not in session to act as a check, the Constitution enumerates those situations when immediate legislation may be required: the maintenance of public order and security, the resistance of public danger, the need for urgent expenditure not previously sanctioned, and the fulfillment of treaties. At the next session of Parliament any such ordinances must be presented to it for confirmation unless the ordinance was issued to fulfill the obligations of a treaty already approved by Parliament. Should Parliament not confirm any of these acts, the Government must notify the public that they stand repealed from the date of notification.

Foreign relations are conducted in the name of the King of Iraq. He concludes all treaties, but he may not ratify them without the approval of Parliament. At the recommendation of

The Minister concerned, he may appoint and dismiss all diplomatic representatives. He declares war, with the consent of his Cabinet. Within this realm, he is also Commander-in-Chief of all the Iraqi armed forces, and he may proclaim martial law and a state of emergency, again subject only to Cabinet's consent, (Art.26).¹

In one particular task, the King may function alone, that is the selection and dismissal of the Prime Minister. The Constitution does not specifically state that this is an exception to the requirement that the Prime Minister and other ministers must sign the Royal Iradahs, but it is plain that it must be an exception. Like other constitutional monarchies, however, the actual choice is normally made for the King by the people through popular elections. On the recommendation of the Prime Minister, the King appoints the members of his Cabinet, (Art.26).

Other prerogatives of the crown include his rights to appoint the members of the Senate, and civil, judicial, and military officials, to bestow marks of honor, and to confirm death sentences, which he has the right to reduce or remit, all with the approval of the Cabinet. With Parliament's consent he may also announce a general amnesty. One right more remains, the privilege of having the coinage bear his name, (Art.26).

¹Besides the Constitution, international obligations qualify the King's power to conduct foreign relations. The Treaty of June 30, 1930, between Iraq and Great Britain particularly binds Iraq to consult with His Majesty's Government on all foreign policy matters of common interest (Art.1), to ally with Britain in case of dispute (Art. 3) and to aid her in case of war (Art.4).

In Part Three we arrive at the rules for the Legislature. The prerogatives of the King show that there is little separation between the executive and legislative branches in the parliamentary form of government adopted by Iraq. This^{is} clearly indicated in Article 28 of the Constitution, which vests the legislative power in Parliament and the King. The Legislature in Iraq is composed of two bodies, the Senate and the Chamber of Deputies. Deputies are elected by secret ballot by male suffrage, in the proportion of one Deputy for every 20,000 male inhabitants of Iraq, (Art. 37), for four years, (Art. 38). In addition to these, the Christian and Jewish minorities are specially represented, (Art. 37), not as a discriminatory measure in their behalf, but because they are a minority whose marked interests should be represented. The Senate, whose membership may not exceed one-fourth of the number of Deputies, is appointed by the King for a term of eight years. Senators are chosen "from among those who have, by their acts, secured the confidence and esteem of the people, and from among those who have served the State and fatherland with distinction in the past," (Art. 31). Thus it is a position of honor, but one that carries some responsibility with it, as laws must be passed by both bodies before submission to the King for approval and enactment. (Art. 62). As long as the Senators are to pass legislation affecting the people and in the people's name, one may reasonably ask if they should not be chosen by the people. Besides, who can select the men who have won the confidence and esteem of the people if not the people themselves?

To be eligible for either chamber of Parliament, the ideal man -- women are not eligible for this office -- would have been a citizen of Iraq for at least ten years, he would be thirty years old if he wished to be a Deputy, forty if being nominated to the Senate, he would not be bankrupt or under a court interdiction, he would not have been sentenced to imprisonment for more than one year for a non-political offense, nor at all for dishonorable reasons, he would not be receiving other income from the Government, he would be sane, and he would not be a near relative of the King nor a member of the other Assembly, (Art. 30). Both Deputies and Senators are re-eligible for the same body at the conclusion of a term of office, and either may "be deputed to undertake important duties in the service of the State" for a period of two years, with the approval of the Chamber to which he belongs, (Art. 31). A Deputy may represent only one electoral district and a Government official chosen to be a Senator or Deputy must choose between the two offices, (Art. 42). Before taking office, Senators and Deputies must swear allegiance to the King, to the Constitution, to the nation and the fatherland, and to his duties, (Art. 51) The chamber of Deputies sits in session at Baghdad six months of each year, (Art. 38) at the summons of the King, and the Senate sessions are to coincide with the Chamber's, (Art. 34). Should the King fail to summon the Parliament, this would not deter the Assemblies from meeting, for the Constitution bids them assemble on the

appointed day, (Art. 39). Should the Chamber of Deputies be dissolved by the King, new elections must be held within four months from the date of the dissolution. The new Chamber may not be dissolved for the same reason as the preceding Chamber, (Art. 40). The hands of the King and his Cabinet are thus bound from any attempt to rule without Parliament. More than one-half of the Members of either body represents a quorum, and unless otherwise provided in the Constitution, legislation shall be passed by a majority¹ of those present. In the case of a tie, the President of Assembly shall have the casting vote.

Unless requested by the President of an Assembly, no armed force may enter an Assembly or remain in its environs. (Art. 57). Happily, the Assemblies are thus freed from any display of armed force during their deliberations. The meetings of the Assemblies are normally open to the public; at the request, however, of one Minister, or four Senators, or ten Deputies, debate on any question may be held behind closed doors, (Art. 57). With reason it might be asked why the disparity in numbers of various officials required. The only answer would seem to be that it is an attempt to secure a somewhat proportional representation of each group.

Article 60 secures to the members of Parliament their usual freedom of speech on the floor of the Assembly and their parliamentary immunity from arrest outside the Assembly.

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Notice this does not say "of those present and voting", but "of those present".

Legislation may be initiated by any Deputy, if he has the support of ten other deputies, or it may be proposed by the Government in form of a draft law. When initiated by the eleven Deputies, if the proposal is accepted it is sent to the Council of Ministers for drafting the law required.¹ If the proposal is refused by the Deputies, it may not be reintroduced into the Chamber during the same session of Parliament, (Art. 45). A draft law may be introduced by the Cabinet into either Assembly. If the draft is accepted in one Assembly, it is then submitted to the other Assembly, for debate. If the law is accepted by both bodies, it is then submitted to the King for confirmation. If opposed by both bodies, it may not be submitted again/^{to} either Assembly during the same session. If the Prime Minister or one of the Ministers mentioned in the draft law demands a joint session on a law previously submitted to one body, a joint session, with the approval of the Senate, may be held, but the passage of the bill will require a two-thirds majority of the joint meeting for submission to the King for confirmation. When the King receives a law passed by Parliament, he has three months to confirm and promulgate the law, or he may, within the delay of three months, return the bill to Parliament for reconsideration with a statement of his reasons for so doing. The Constitution is silent concerning any special vote being required to pass a law over a veto by the King. If either Assembly deems

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The Senate is not allowed to initiate legislation. It tried to obtain this right in 1926, but the proposal was rejected.

the legislation urgent, it must then be confirmed by the King or returned for reconsideration within fifteen days, (Art. 62).

Should it happen that one of the Assemblies rejects a draft law twice, but the other Assembly insists on its approval, the two Assemblies should attempt to iron out their differences in joint session, and a two-thirds vote of those present would again be required to pass the legislation for the King's confirmation. If refused in joint session, it may not be reintroduced into either Assembly during the current session (Art. 63).

Ministers may be questioned by members of Parliament, and they are required to answer not later than eight days after the question has been put to them, (Art. 54).

A minister either is or must become a member of Parliament to hold his ministerial rank. If he is not a member of Parliament at the time of his appointment, he has a delay of six months to be elected to the Chamber of Deputies or appointed to the Senate; a method easily accomplished since all the Senators are appointed by the King. He receives only the salary of a Minister. Deputy Ministers must also be members of Parliament. The Constitution sets the minimum number of Ministers at seven, thus eliminating the possibility of one Minister holding many or all of the portfolios. To obtain the benefit of other minds in cases of necessity, the King may appoint Ministers without portfolio, in addition, (Art. 64).

The duty of the Cabinet, as stated in Article 65, is to "undertake the direction of the affairs of the State." Business concerning more than one Ministry and all "important matters which concern the Ministries" shall be dealt with by the Cabinet. Decisions of the Council are submitted by the Prime Minister to the King for confirmation. Ministers are responsible as a group to the Chamber of Deputies for their common business, and each one is responsible for the affairs of his Ministry. If the Chamber passes a vote of no confidence in the ministry, the Council must resign, but if the vote concerns only one Minister, he alone must resign.

The vote of no confidence may be postponed up to eight days at the request of the Prime Minister or the Minister concerned, during which time the Chamber may not be dissolved. It is not possible, therefore, for the King to prevent a vote of confidence in his Cabinet, though he might desire it, unless he himself should dismiss his Cabinet. This he may only do by dismissing the Prime Minister on the basis that it is in the public interest, (Art. 26). It is then customary for the Ministers to resign to allow the new Prime Minister to suggest his own Cabinet to the King for appointment.

Part Five of the Constitution is entitled "The Judicature". The courts in Iraq are divided into three classes, the civil, religious, and special courts, (Art. 69). Judges are appointed by Royal Iradah and may only be removed, states Artical 68, in accord with conditions laid down in a law

regulating their official positions. This article and Article 71, "The Courts shall be free from all interference in the conduct of their affairs," show that the judicial branch is quite separate in its operations from the other two branches of the government. This separation is usual in a parliamentary system of government, because the executive and legislative branches work closely together, and the judicial branch, as a separate entity, must exercise a check on the other two.

The jurisdiction of the Civil Courts covers civil, criminal, and commercial matters, "provided that, in matters relating to the personal status of foreigners and in other civil and commercial matters in which by international custom, the terms of the law of a foreign country are to be applied", the civil courts shall apply that law, (Art. 74). This particular provision is one of the guarantees which was required by the League of Nations of a mandated territory upon emancipation.¹ The Religious Courts are divided into the Shari'a Courts and the Spiritual Councils of the Communities, providing, in this way, for courts competent to deal with the personal status of minority groups as well as the majority inhabiting Iraq. The Shari'a courts deal both with the personal status of all sects of Moslems and with matters concerning the administration of the Waqf foundations. The

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League of Nations Official Journal, 1931, pp. 2057-58.

Spiritual Councils are competent to deal with enumerated matters, including marriage, dowry, separation, and divorce, and other matters of personal status when the parties agree to the jurisdiction of the Spiritual Council.

Of the Special Courts, two deserve particular mention: the High Court and the Diwan Khas. The High Court is composed of eight members chosen by the Senate, four of them Senators and four of them judges of the Court of Cassation or other senior judges; its presiding officer is the President of the Senate or his deputy, (Art. 82). It interprets the Constitution and pronounces on the constitutionality of laws, and it tries the highest officials of the state, namely the Ministers, members of Parliament, and the judges of the Court of Cassation, for political offences or offences connected with their duties, (Art. 81) Cases may only be committed for trial by the High Court by resolution of accusation passed by the Chamber of Deputies. Other matters may be submitted to the High Court by decision of the Council of Ministers., (Art. 82). For interpretation of the Constitution or decisions of the conformity of laws passed under it, it takes a Royal Iradah, issued with the consent of the Cabinet, to assemble the High Court, (Art. 83). When a law is declared unconstitutional by the High Court, the law stands repealed from the date of the decision, and the Government is to introduce legislation providing compensation for damages caused by the rejected law, (Art. 86). To interpret laws and regulations enacted under the Constitution and to

determine the legality of regulations, a Diwan Khas is constituted of three judges of the Court of Cassation and three senior military officers if the question concerns the armed forces, or three senior administrative officials if an administrative law is concerned. The President of the Court of Cassation or else the Vice President presides over the Diwan Khas, (Art. 84).

Under Part Six, Financial Matters, it is to be noted that taxes, and dues may only be imposed by law, (Art. 91), and that collection from the taxpayers must proceed without discrimination and no exemption may be granted unless it is provided for by law, (Art. 92). Ministers only may propose in Parliament draft laws concerning the budget, (Art. 100) or the expenditure of public revenues, (Art. 105). The budget is submitted to the Chamber of Deputies by the Minister of Finance in the session immediately preceding the beginning of the fiscal year for which the budget is drawn up, (Arts. 99-100). Specified sums of money only may be appropriated at one time for expenditure spread out over several years, (Art. 103). This allows the Government to contract for projects extending beyond one fiscal year with the assurance that funds are budgeted for payment. If the new fiscal year begins before the budget law is promulgated, the Minister of Finance may submit a budget proposal for not more than two months to Parliament if it is sitting; if Parliament is not in session, the budget of the preceding year is to be followed until the new budget is promulgated, (Art. 107).

Part Seven leaves the decisions concerning the Administration of the Provinces to special laws.

Confirmation of Laws and Judgements, Part Eight, retains in force, after the enactment of the Constitution, Ottoman Laws published before Novemembr 5, 1914, which remained in force until the publication of the Constitution. All proclamations, regulations, and laws issued by His Majesty's Government in Iraq and by the King before the Constitution's promulgation are also retained in force. All civil and military personnel are indemnified for their acts prior to the promulgation of the Constitution, so that no one may be held liable for any action subsequently deemed unconstitutional, and it secures all court and political officer decisions, (ARTS. 113-117).

Amendments to the Constitution are considered in the two Articles, 118 and 119, of Part Nine. Within one year of the promulgation of the Constitution subsidiary amendments were allowed to be introduced, although some were in July of 1925. The rigidity of the Constitution was assured by the provision that no other amendment could be introduced within five years after promulgation of the Constitution, and after that period every amendment must be affirmed by a two-thirds majority of the Chamber of Deputies and of the Senate. If the amendment is thus approved, the Chamber is to be dissolved and a new one elected. If the new Chamber and again the Senate accept the amendment by a two-thirds majority, it goes to the King for his confirmation and promulgation. To date the Constitution has only been amended once under this rule,

on October 27, 1943, after a review of its eighteen-year-old provisions.

One final provision, found in Part Ten, is unusual and therefore interesting to note. Article 124 provides that "Constitutional methods which are not mentioned in, nor forbidden by, this law, but are practised by Constitutional States, may be adopted by decision of Parliament in joint Assembly, and observed as constitutional rules." This provision has not yet been applied, but Iraq is attempting to keep abreast of the developments in other constitutional governments and incorporate them in her own government. The fitness of these new ideas must be carefully judged before being adopted, should such an occasion arise.

In addition to the provisions of the Constitution of Iraq, the Declaration of May 30, 1932, issued at the end of the Mandatory period for Iraq, contains provisions which, according to the Declaration, "are recognised as fundamental laws of Iraq, and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action now or in the future prevail over them," (Art. 1). The provisions of Chapter I of the Declaration must thus be considered equal in status to the Constitution. The articles that should be mentioned here are those which are not included in content in the Constitution or which extend the provisions of the Constitution.

Article 2 does not limit the practise of religious rites to conform to accepted custom, but grants freedom limited only

by public order and morals, In Article 5, the Iraq Government undertakes to provide facilities to all Iraqis whose tongue is not Arabic to use their mother tongue orally or in writing before the courts. Later in the Declaration the Kurdish and Turkish minorities are assured of judges proficient in these languages, considered official languages, in the areas where these minorities predominate, (Art. 9). When a linguistic minority of considerable proportion is resident in a community, the Declaration goes beyond the Constitution, which grants them permission to maintain separate schools. It provides that the Government shall give them adequate facilities for primary instruction of their children in their own language, though they may require the study of Arabic as part of the curriculum, and that they are assured their share of public funds for educational, religious, or charitable purposes, (Art. 8).

Council of the League of Nations Chapter VI

The Constitution of Jordan

When Great Britain drew up the Mandate for Palestine, she set aside that portion of Palestine east of the River Jordan, not stating the type of administration which would prevail in that area. Until Faisal retreated from Damascus, he included the area under his government. Finally, its government proved to be just the task Churchill needed for Amir Abdullah to stop the Amir's march on Syria. After England had given the territory to Abdullah to rule, she let him set up the government as a constitutional monarchy, while she kept enough control over the area to use it as a buffer state for the Jewish national home in Palestine.

On the day that Transjordan declared her independence, Abdullah stated that the Government would begin the preparation of a constitution and revise the laws of election to accord with it. Not until 1928, however, was the Transjordan Constitution put into effect, after the signing of the Treaty between Britain and Transjordan. Publication in the Official Gazette for everyone to read is all that the Government required in the way of popular sanction of the document. The first Legislative Council elected under the new Constitution met in Amman in April 1929.

During Tawfiq Pasha's visit to London in 1939, he agreed to revise his country's constitution to convert the Executive

Council into a Council of Ministers directly responsible to the Amir. According to the revision, the Amir also became Commander-in-Chief of the military forces.

After that, Transjordan became the Hashimite Kingdom of Transjordan and no longer a mandate territory under Great Britain, and the Government drew up a new constitution to govern its conduct. Known as Law No. 3 of 1947, it was published in the Official Gazette, No. 886, on February 1, 1947. According to the introduction, it became operative one month after the date of publication in the Gazette, without being voted upon by the people or their representatives. The King merely approved it and ordered its publication.

The form of government is laid down as a "hereditary monarchy" without being designated as either constitutional or representative, (Art. 2). We are aware of its constitutionality, but we must look further into the document to determine the actual form of the government.

The state religion is Islam, (Art. 2), and Amman is the capital of the Kingdom. But, the Constitution states, "The capital may be changed by a special law to another place," (Art. 3). It is to be assumed that the capital would certainly be moved in the case of an emergency, but the specific provision of Article 3 is for an emergency. What was in the minds of the drafters of the Constitution? We can only conjecture.

Under the section designated the "Rights of the People", Part I, Jordanian nationality is left to be prescribed by law, (Art. 5). There may be no distinction before the law between

citizens of differing race, religion, or language, (Art. 6), and personal freedom is to be safeguarded, (Art. 7). Like other Near Eastern constitutions, further personal rights are left undefined, but qualified that they shall be recognized within "the provisions of the law". These include immunity against detention, imprisonment, or punishment, (Art. 8), or forced dwelling in a specified place, (Art. 9), immunity against entry and search of a dwelling place, (Art. 10), and against the imposition of forced loans or confiscation of moveable property, (Art. 12). The freedom of expression is guaranteed subject to whatever may be the law, (Art. 17), and so are the freedom of assembly, the right to form associations, (Art. 18), and the freedom to address the Government; (Art. 19). No one's property may be expropriated except for purposes of public utility and in return for just compensation, (Art. 11). Forced or compulsory labor is forbidden. The law may, however, require service in case of an emergency which endangers any part of the population, or as a punishment under court conviction, (Art. 13). Whereas in Iraq unpaid forced labor is forbidden, leaving the impression that labor may be exacted in time of emergency but that the persons will be compensated, no such implication may be drawn from the Jordanian Constitution. Taxes may only be imposed by law in Jordan, (Art. 14); the State assumes protection of the free exercise of religious worship, (Art. 16); the communications, postal, telegraphic, and telephonic, are to be secret except in circumstances set out by a special law,

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(Art. 20), and every community may establish and maintain its own schools if it will conform to the general requirements determined by law, (Art. 21). M. F. Abcarius points out in his notes on the Jordanian Constitution that no restriction is placed on the employment of foreigners in the Kingdom, nor is there any provision made for equality of employment of nationals, both common to nations where foreigners have¹ reason to hold many of the available positions.

Under Part II, "The King and His Rights", not only the succession to the throne and the King's prerogatives are discussed, but the Council of Ministers is also provided for and given its authority. This is the first indication of the nature of the Council's position in the Jordanian Government. "All executive authority is vested in King Abdullah Ibn El-Hussein and his male heirs in direct line..." according to the further provisions of the Constitution, which lays down in detail the regulations for succession to the throne by King, Regent, or Council of Regency. Provision is also included for the head of the State if the King is incapacitated by illness or leaves the country for any period of time, (Art. 22). Before a new King may rule over the country, he is required to swear before the Councils of Notables and Representatives that he will uphold the Constitution and be loyal to Jordan, (Art. 23). In common

¹
M.F. Abcarius, Notes on Comparative Constitutional Law, p. 180.

with other constitutional monarchs, "The King is the Head of the State and shall be immune from liability and responsibility", (Art. 24). As the Head of the State, the King is the Commander-in-Chief of the Armed Forces, he declares war, he concludes treaties with the Council of Ministers' agreement, he issues the orders for elections to the Council of Representatives and convokes, opens, adjourns, prorogues, and dissolves the National Assembly according to the provisions of the law, (Art. 26).

The Council of Ministers is limited to the Prime Minister and not more than five Ministers. The King appoints the Prime Minister, who then recommends the other members of his Cabinet to the King for appointment. The Prime Minister or any Minister may be in charge of more than one department. Within the scope of the entrustment of "the conduct of all affairs of the State" to the Council of Ministers, each Minister is responsible for the affairs affecting his own Ministry. Any matter not within his powers is to be referred to the Prime Minister, who either decides on the case in hand or refers it to deliberation by the Council. When a decision is taken by the Council, it is signed by the Cabinet and presented to the King for his approval. If the royal assent is obtained the Prime Minister and the Ministers concerned are responsible for its execution, (Art. 27). The Cabinet is collectively responsible to the King for the "general policy of the State" and each Minister bears the responsibility

for his own Ministry or Ministries. The King may dismiss the Prime Minister or accept his resignation, apparently without even stating his reasons for doing so. If this happens, either in the case of dismissal or of resignation, the decision automatically applied to the whole Council.

Upon the recommendation of the Prime Minister, however, the King may accept the resignation of or dismiss any Minister from office, (Art. 28). We see already that the Cabinet is not responsible to the people nor dependent upon their support. The government, then, unlike the Iraqi government, cannot be parliamentary in form.

Other duties of the King as laid down by the Constitution include the appointment of all the members of the Council of Notables and the designation of the president of that body, (Art. 29.) He may grant or withdraw military and police ranks, or delegate this responsibility, and he may confer distinctions of honor, (Art. 30). When a death sentence is passed to the King with the expression of opinion of the Council of Ministers., the King has the right of reprieve if he desires to exercise it. He may also reduce or remit sentences, and with the Cabinet's approval, he may declare a general amnesty, (Art. 31). "The King exercises his jurisdiction by Iradas", but "Iradas shall only be issued on the recommendation of the Prime Minister who shall sign the same." This provision may act as a check on the actions of the King, but the King need only dismiss a disagreeable Cabinet and appoint a new one more likely to achieve his will, (Art. 32).

Part III of the Constitution is devoted to "The Legislature" of Jordan. We are first told that "The Legislative power is vested in the National Assembly and the King." In Jordan, the National Assembly is composed of a Council of Notables, all appointed by the King, and a Council of Representatives, elected by the people. The Notables are equal in number to one-half the number of Representatives. Minorities are to be considered and adequately represented in the Council of Representatives. This provision, in trying to recognize the rights of minorities, succeeds in keeping them separate from the Moslem Jordanian population. A Representative is elected for a four-year term, (Art 33), whereas a Notable may sit for eight years, (Art. 37). These latter are to be appointed "from among those who have gained the confidence and trust of the public with regard to their work and services to the Nation and the Country," (Art. 36). As in Iraq, we may again ask whether the people cannot better choose those in whom they put their trust. Of course, they have the opportunity to elect certain of that number to one Council of the Assembly, but if there are more who share that trust, the people should also designate them. A man chosen for the Council of Notables may remain in that position for eight years, after which he may be reappointed. Half of them retire every four years, (Art. 37). The King has the privilege of appointing the President of the Council of Notables, (Art. 29), for a two-year term, (Art. 37), and the President of the Council of Representatives for a one-year term, (Art. 43). Each of these officers may be reappointed.

In order to be elected or chosen for membership in the National Assembly, a person must be a Jordanian, claiming nationality and protection of only that state. (It is not stated, but it is assumed, that the person chosen will be of the male sex.) To be a Representative he must be not less than thirty years old, and to be a Notable, not less than forty years. Anyone under the usual disabilities, such as bankruptcy or interdiction, legal incapacity, etc, is ineligible for election. Similarly, anyone sentenced to imprisonment for more than one year for a non-political offense may not stand for election. Blood relationship to the King within the degrees of consanguinity prescribed by law, also disqualifies a candidate, (Art. 35).

The National Assembly holds one ordinary session during each year, (Art. 36). It is customary for the King to summon the Assembly to meet on the first of November. Elaborate provisions are laid down in the Constitution for the manner of summoning the Assembly, for postponement, of the regular session, for assembly without being summoned, and for the prolongation of a session to consummate urgent business, (Art. 40). The Council of Notables, regarded as the higher of the chambers, meets coincidentally with the Council of Representatives, (Art. 38). If some matter should arise on which the King desires National Assembly action, he may summon the Council of Representatives to sit in extraordinary session to discuss specified questions. The session is then dissolved by Iraḍah when it has finished the business for which it was summoned, (Art. 41).

When the lower chamber is dissolved, a general election is called for a new Council. The new Council must sit in extraordinary session within four months from the date of dismissal of the previous Council, unless it be November or December. In the latter case, the meeting would be regarded as the first ordinary session of the new Assembly, (Art. 41).

Before taking his seat, every Assemblyman must swear before his Council that he will be loyal to the King, that he will uphold the Constitution, and that he will faithfully carry out the duties entrusted to him, (Art. 42).

The right to speak in either of the Councils is open to the Prime Minister and the members of his Cabinet, but they may vote in either chamber only if they are members of that body. When a Minister wishes to address one of the chambers, he has priority over any other member, (Art. 44).

A quorum in the Jordanian Assembly represents the high proportion of two-thirds of the Council members, (Art. 46). Ordinary legislation may be passed by majority of the members present, and the casting vote in the case of a tie is the President's; but Constitutional amendments always require a majority of two-thirds of the members of both Councils, (Art. 47).

Article 43 begins with the statement that, "Every proposal for a law shall be laid before the Council of Representatives by the Prime Minister." No provision is made in the Constitution for initiative from the Legislature, but because the Prime Minister may be a member of either of the Councils, the question arises as to the possibility of the initiative being exercised

by the Legislature. Earlier we saw that the King is vested with unqualified legislative power, as well as that power's being vested in the National Assembly. Because the Prime Minister and his Government are not responsible to the Assembly, but to the King only, the Prime Minister must be acting as a representative of the King when laying a proposal before the Council. We could conclude, therefore, that the Assembly exercises its legislative power only in approving or disapproving those proposals placed before it.

If the Council of Representatives approves a bill, it refers it to the Council of Notables for approval. To become a law, a proposal must have the concurrence of both Councils and the sanction of the King, (Art. 48). It is the King's prerogative to sanction all laws and to supervise their execution, but he may not "modify, repeal or suspend laws or give dispensation from their execution except in the circumstances and in the manner prescribed by the law," (Art. 25). Should one of the Councils reject a proposed law and the other Council insist on its acceptance, then the Constitution provides for a joint meeting of the Councils to discuss the articles causing the disagreement. If agreement is reached in this meeting, the bill is considered accepted by both Councils, but if they reject it, it may not be resubmitted during that session of the Assembly, (Art. 49).

In Jordan a law may not become effective until the King has assented to and signed it and "until one month after the date of its publication in the Official Gazette," (Art. 50).

This would appear to be left over from the days of the Palestine Mandate when ~~there~~ there was no legislative body and publication in the Official Gazette was the Government's method of submitting the bill to popular criticism. Since a similar method is not necessary today, this period of delay after publication is no longer necessary, though it is continued.

Whereas, in most constitutional governments, the head of the State is given a short time either to sign a bill or to return it to the Legislature with his reasons for not signing it, the Jordanian King is allowed one calendar year from the date on which a given law is submitted to him by the Council, (Art. 51). During this delay, the need for the law might pass. The King thus may exercise a great deal of control over his Legislature.

The Budget receives special attention in the Constitution in Article 52. It, too, is first referred to the Council of Representatives by the Prime Minister, then, after their approval it is sent to the Council of Notables. When they have approved it, like other bills it goes to the King for his sanction and signature. According to the provisions on discussion of the Budget in the Councils, however, one declines that passing it through the procedures of a regular bill is only a formality. The Assembly may not increase the expenditures, increase or decrease the taxes in any way, revise the Government

establishment by change in personnel or salaries, nor amend expenditure or revenue fixed by contract. After all this we are told that "If the Council refuses to pass the proposal for the Budget, the Council of Ministers with the Agreement of His Majesty the King shall decide to consider the same in force in the form submitted to the Council," (Art 49). Why ever submit it to the Assembly in the first place if this is the procedure?

Wide powers of legislation are given to the Council of Ministers when the National Assembly is not in session. They may legislate on any subject by means of ordinances, as long as they do not contravene the Constitution. All ordinances except those which fulfill treaty obligations must be submitted to the Council of Representatives at the beginning of the session which follows. If the Council does not approve one, it is not immediately revoked, as it could be in some other constitutional country, but it may continue in effect until the following session of the Council, under normal conditions of a whole parliament. Unless that later session accepts the ordinance, it must then be withdrawn and notice of its cessation issued. Should the Council of Ministers voluntarily withdraw the ordinance if it does not pass the Council's approval, or should the Council of Representatives approve the Ministers' actions, no problems are raised; but if they do not, an offensive ordinance may remain in force as

long as twenty-one months. Ordinances involving "necessary and urgent expenditure" are regularly laid before the Council, but it may consider only the unexpended funds if it does not infringe on existing contracts or acquired rights, (Art. 53). Clearly the National Assembly exercises little power over the purse-strings of Jordan.

Members of the National Assembly enjoy the usual privileges of immunity and freedom of speech. If any member is detained when the Assembly is not in session, the Prime Minister is to report to the Council when it re-assembles, but no provision is made for taking action on the matter, (Art. 54).

The Judicature, the subject of Part IV of the Constitution, is much the same as the Iraqi Judicature on a smaller scale. The courts are similarly divided into Civil Courts, the Religious Courts, including the Shari'a Courts and the Religious Community Councils, (Art 62), and the Special Courts, (Art. 56). The make-up and the competence of all the courts is to be determined by a special law, (Art. 57). No provision is made here for trial of the members of the National Assembly or of the Ministry, and there is no High Court. Judges are assured a certain amount of independence by the provision that they "shall be irremovable except as provided by regulations made by the Council of Ministers with the approval of the King," (Art 55). Regarding the personal status of foreigners and matters of civil and commercial nature to which international usage customarily applies the law of another country, the civil courts are to apply the foreign laws, (Art 61).

The Shari'a Courts have exclusive jurisdiction over the personal status of Moslems, and Waqf affairs are also reserved for their jurisdiction. If a question of personal status concerns more than one person, one of whom is a Moslem, and the other is not, the two parties must agree to the jurisdiction of the Shari'a Court before it is allowed to consider the case, (Art. 63). If they do not agree to the Shari'a Court, they have recourse to the Civil Court.

Among the Special Courts, there is one for which the Constitution makes a special provision: the Diyar Khaz. Its function is to interpret, upon the request of the Prime Minister, a provision of any law, which provision has not previously been interpreted by a law court. The Diyar Khaz is composed of the Minister of Justice, who acts as president, two senior officials of the Justice Ministry, chosen by the Senior Judicial Council, and two senior administrative officials chosen by the Council of Ministers. It is convened only at the request of the Prime Minister, and its decisions on ordinary laws are binding. Any decision affecting a provision of the Constitution must be confirmed by the King before it is valid, (Art. 64).

In Part V of the Constitution, the administrative organization of Jordan is left to the determination of the Council of Ministers regulation with the approval of the King. They have the right to decide on the appointment, the term of service, and the discipline of a Government official, and to regulate the Departments of the Government, the administrative divisions and their status, and the status and jurisdiction of the governing officials, (Art. 69).

Article 70 establishes municipal councils in Jordan to manage the municipal affairs of the Kingdom, in accordance with a special law.

The laws of the Kingdom -- those Ottoman laws applied to the country and those enacted in Jordan since September 23, 1918 -- remain in force under the Constitution, (Art. 71).

Before the Organic Law of 1928 and its amendments are repealed in Part VIII, (Art. 79), Part VII includes in its articles a number of minor provisions that are normally left to special laws because they are not as important and may be dealt with under the provisions of this primary law. One article, however, should interest us. When an emergency arises, the slow forces of a legislative government may not be able to meet the situation in time. The Constitution, therefore, provides for a "Defence Law" granting special power to specified persons for action in case of an emergency. The law is put aside until the emergency arises, then it may come into force by proclamation of the King on the recommendation of the Council of Ministers. Should the law be inadequate in the emergency, the King has the right, on the recommendation of his Ministers, to declare martial law. When the emergency has passed, a special law must later be enacted to indemnify all persons who have in any way necessarily acted against the laws of the country during the state of emergency, (Art. 78).

As has been mentioned earlier, the government of Jordan is not a parliamentary government because its executive branch is in no way responsible to the people. Neither is it a truly representative government, one-third of its legislature being appointed. Nor is it an autocratic one, since the Constitution does impose certain limits

upon the King. It has elements of all, but it does not resemble any other existing national government. It must be then, that its form is unique.

Chapter VII

The Administration of Iraq

The bulk of the material for this chapter, and the next, still rests in the Arabic language. Because of this, it is beyond my ability to obtain it; and I have relied entirely upon the research and writings of Professor M.F. Abcarius in his work, The Administrative Laws of Arab Countries of the Near East.¹

Both Iraq and Jordan retain much of the Turkish heritage in their administrative systems. Iraq was maintained as a state much as it had been when an administrative division of Turkey; and in assuming direction of the affairs of the area, Great Britain made use of the previous administrative organization as far as possible. Even the names of the territorial divisions have lasted through the mandate to the independence of the country. The wilayet has ceased to exist, but the liwas, the qadahs, and the nahians have persisted.

Administration is normally the business of the executive branch of government, but it may be that in several ways the legislature will affect the administration through the executive. Particular examples are enabling legislation, or tasks given to the executive by the legislature.

According to the Constitution, the Iraq Parliament is given a number of administrative affairs such as the naming of administrative divisions, the imposition of taxes, the

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approval of the budget, the determination of the coinage, etc., etc. When these administrative affairs are acts of Parliament, as long as they are constitutional, they have greater authority before the courts, and they are binding upon the administration. These particular matters are acts of the people's representatives and the public is thus more assured of the acts being in its interest. When the laws are proposed by the executive, as most often happens, the executive is able to secure public opinion, expressed through the representatives, on its propositions. Even though there is this close connection between the executive and the legislative branches of the government, showing that complete separation of powers cannot exist in any government, neither branch encroaches on the other in the exercise of its business.

The chief executive in Iraq is the King, the head of the State. The sovereignty entrusted to him by the people and the powers granted him by the Constitution are laid down in that document. With the Parliament he shares legislative powers, and with his Ministers, the executive and administrative power. He alone appoints and dismisses the Prime Minister, and he is nominally commander-in-chief of the armed forces of the state, a power which is usually exercised for him by the commanders of the various military divisions; in any other administrative matters, the King must share his administrative authority. Besides this limitation on the power of the King, he must have some one to assume responsibility for the acts of the executive since he enjoys immunity. This responsibility falls upon the shoulders of his Ministers, who are answerable

to Parliament. They advise him on the approval or rejection of laws, and they submit decrees to him after the Minister or Ministers concerned have signed them to indicate their responsibility for their content.

It is the prerogative of the King to appoint, on the recommendation of the appropriate Ministers, the administrative officers, judges, and other high-ranking officials of the government. Similarly, he gives recognition of services in the grant of titles of honor and decoration. When he declares martial law, or when he establishes or abolishes a department of the government, the King also acts on the advice of his Ministers. The Council of Ministers, then, in assisting the King in carrying out executive duties, fulfills the role given it in the Constitution: the charge of conducting the affairs of state. When Parliament is not in session, if the need arises for emergency legislation, the King, in the consultation of his Ministers, is given broad power in four specified situations to meet unusual conditions. These situations, listed in the study of the Constitution, include the maintenance of public order and security, the repulsion of public danger, the defraying of urgent expenditure not previously sanctioned, and the fulfillment of treaty obligations.

Except in the case of treaties which have already been approved, these emergency measures must always be approved by Parliament at its next session or else revoked by the Cabinet.

While the Cabinet conducts the affairs of State and concerns itself with matters affecting more than one Ministry,

it lays down the policy of state that shall be carried out by the individual Ministries. Each Minister, therefore, has the obligation of assisting in the administration of the State and in the administration of his own Ministry in accordance with the policies laid down.

Every Minister in Iraq appoints the higher officials in his Ministry who will work with him. This power has been delegated by the King to the Ministers. The internal administration of the Ministries resembles that of the departments of other democratic governments and need not concern us here.

District administration in Iraq, as has been pointed out, has maintained at least the appellation of the Ottoman Empire, it not more. The largest administrative district is the liwa, at the head of which is the Mutasarrif, or governor. Iraq is divided into fourteen liwas, each under a Mutasarrif appointed by royal Iradah on the proposal of the Minister of Interior and the concurrence of the Cabinet. He is thus an agent of the government, being its appointee.

Every liwa is divided into qadahs, each headed by a Qaimmaqam. He is also an appointee of the government by Iradah, and also obliged to carry out the instructions of his superiors, including the Mutasarrif. The qadahs are subdivided into nahiahs, with a Mu'ir at the head of each. Mu'irs are appointed by the Minister of Interior, this time on the recommendation of the respective Mutasarrifs.

To change any of the administrative divisions in Iraq, to alter liwa boundaries, or to change the chief town of a liwa or qadch, the Minister of Interior must propose the change to the Council of Ministers. If they approve the suggestion, a resolution to that effect is submitted to the King, who will issue an Iradah. For the change of boundaries of a qadch or nahich, only a ministerial decision from the Minister of Interior is necessary.

Working with the Mutasarrif in the liwa are the chief representatives of the Ministry of Finance in the seat of the liwa, the director of correspondence of the "Maklat liwa", the local chief of the department of Public Security, and the representatives to the liwa of all the Ministries with offices in the district. Under these is the administrative staff necessary to perform the duties of the district government.

The liwa are recognized in Iraq as administrative entities possessing a juridical personality. According to Article 10 of the Administrative Law No. 18 of 1925, the liwa has the right to dispose of either moveable or immovable property; it is responsible for all public services enumerated in the law, and its funds are public. Self-government by means of decentralization is thus shown to exist to some degree in the district administration of Iraq.

As governor, the Mutasarrif is the highest executive officer of the liwa. His responsibility includes the general administration of the liwa, the representation of all branches

of the government, and the execution of the laws in the liwa. He is to carry out the instructions he receives from any Minister. In Iraq, he is not, however, merely an agent of the central government, but he holds in his own hands the power of final decision on many matters. Any Ministry which has officials in the liwa must ask the advice of the Mutasarrif on the appointment or transfer of its chief officer in the area. Not only does the Mutasarrif have to give this advice, but he must also report on the conduct of these agents of the central government to their respective Ministers. If necessary, he has the power of prohibiting any person from carrying out his duties. Were he to do this, the Mutasarrif would always report to the Minister concerned the action he had taken and the reason for it. Only in the case of members of the Ministry of Justice can the Mutasarrif merely report, without taking further action.

Although the law sets out what it calls the main objects of the liwa administration, we shall see that many of these objects more closely resemble duties than would normally be expected of a district administrator. They are, and I quote from Professor Abcarius:

- "(a) Public order and security.
- (b) The implementation of the principles of liberty, equality, and justice among the people and groups.
- (c) The protection of the right of property and the personal rights of every individual.
- (d) The diffusion of pamphlets and letters necessary for the promotion of the interests of the people both socially and economically.
- (e) Care for the facilitation and diffusion of justice as quickly as possible subject, however, to the independence of the liwa courts.

- (f) The diffusion of education, and sound principles which should guarantee to every individual his advancement and his material and social happiness.
- (g) The endeavour to promote trade, industry and agriculture.
- (h) The protection of public health and the improvement of the national hygiene. Measures should be adopted for the prevention of the spreading of contagious and infectious diseases of human beings and animals.
- (i) The spreading of facilities and information among agriculturists and the distribution of water for the irrigation.
- (j) The advancement of municipal administration.
- (k) The endeavour to collect government taxes equitably. In this connection to assess and farm out the rights of the Treasury, to collect the revenue, to protect the property of the State and to exercise strict economy in all expenditure.
- (l) The submission of ample reports to any Minister on any matter which may tend to the improvement of the Administration and the public good."¹

To assist him in carrying out these obligations, the Mutasarrif is given an assistant, or deputy, who has the rank of a Qaimmaqam, to handle those matters which the Mutasarrif refers to him and, in the absence of the Mutasarrif, to act for him.

At this point the administrative law begins to lay down in fine detail further duties of the Mutasarrif. Among the more important responsibilities are government property, its economical administration, and the collection of revenue -- having power over all the finance officials in the liwa facilitates his implementation of this injunction. The police are at his disposal to maintain public order and security, but their administration and discipline fall into the purview of the chief of Police. A similar provision is made concerning the armed forces. They are at his disposal to be sent to any

¹ Abcarius, The Administrative Laws of the Arab Countries of the Near East, pp. 103-04.

particular locality, but beyond this, the forces are subject to the orders of their own commanders. The Mutasarrif is responsible for knowing at all times what is going on in his district, and when he sees room for improvement in services, he is to direct the attention of the appropriate Ministry to the possibility of bettering the administration.

In the next division of the district administration, the qadah, the Qaimmaqam heads an administrative body composed of, besides himself, the representative of the Ministry of Finance, the chief clerk, a representative of the police, the representatives of the other Ministries who are stationed in the qadah, and the administrative staff.

Like the Mutasarrif, the Qaimmaqam is also an agent of the central government with similar obligations to carry out the instructions of the central government. His administrative duties are not unlike those of the Mutasarrif, and in fact, the Qaimmaqam actually fulfills many of the responsibilities given to the Mutasarrif in his own qadah. He supervises government services in the qadah, he is responsible for order and security, and he may also order the assistance of the armed forces in an emergency.

On examination, we find one way in which the Qaimmaqam differs from the Mutasarrif. If there is not court functioning in the qadah, the Qaimmaqam or the Mudir of a nahiah may be given the power to act judicially in specified criminal cases.

Finally we come down to the smallest administrative unit for which the law provides, the nahiah. Working with the Mudir

are representatives of the police and of the other Ministries maintaining officials in the nahiah. Because the Finance Ministry maintains only tax collectors at this level, it is not represented in the administrative body of the nahiah. Again, we find that the Mudir of a nahiah is an agent of the central government, which places upon him similar responsibilities as the officials above him are obliged to carry out. As it is the duty of the Qaimmaqam to control and inspect the services of the various Ministries in the qadah, it is only incumbent upon the Mudir to do this in respect to the services of the Ministry of Finance and the Ministry of the Interior. If other Ministries request him to do so, he may do the same for them, but only under the request from them. The Mudir is particularly responsible for the work of the Ministry of Finance in his nahiah, since that Ministry does not maintain high-ranking officials in the nahiahs.

Within the liwa, there are two administrative councils, one of them said to be advisory in nature. The advisory one, called the Majlis Idari, comes straight from the Turkish heritage of Iraq. Under Ottoman rule, the Majlis Idari was primarily a convocation of the heads of the various religious groups; but Iraq has made it little more than just that. The Administrative Law of 1945 provides for the Mutasarrif as president of the council and three permanent members: the ranking Finance official in the liwa, the land registrar of the liwa, and the "chef de bureau". The head of any department in

the liwa may attend the meetings and take part in the deliberations of the council when the business of his department is discussed. Not being a member, however, he is not allowed to vote. Half of the four elected members of the council must be non-Moslem if the liwa includes non-Moslems in its residents, but no minimum number of residents is specified. It would seem that a more proportional system could have been worked out to give the religious minorities a definite representation on the council, if that were felt to be necessary. Definite qualifications are laid down by the law for a candidate for membership. He must be not less than twenty-five years of age, a citizen of Iraq, and not related to any other member of the Council. Among the other qualifications, he must pay a tax to the government or the municipality, and he must be literate. Because of the low literacy rate in Iraq, variously estimated below 25%, this considerably limits the eligible candidates.

The manner of election of the members of the Majlis Idari is an unusual procedure to be called an election. During the month of February each year the permanent members of the council invite the Moslem and non-Moslem heads of the religious communities to a meeting of the nomination committee. This committee nominates three times the number of candidates that are actually to be chosen. The list thus prepared is sent to the Qaimmaqams and the municipal corporation in the principal town of the liwa, with a record of the meeting and of the votes cast. After the lists have been scrutinized

and voted upon by the councils of these bodies, the nominating committee is called together again to cut the list to two candidates for every position, according to the votes from the qadahs. From the committee the list goes to the Minister of Interior who makes the final selection. Should a vacancy occur during the year, it would be filled from this original list.

This administrative council meets twice a month throughout the year. A quorum consists of one-half the members if it includes one-half of the ex-officio members, thus providing that they may always be represented at the meeting. A majority of those present may take a decision, with the prerogative of the casting vote in a tie going to the president. If a resolution of the council is not appealed within fifteen days from the date of the decision, it becomes executory. For this reason, the council may hardly be called an advisory one, though its ancestor might have been so.

In fact, the council is charged with certain duties to fulfill, all included under six headings in the law. They are: (1) the awarding of government contracts for works or supplies, (2) the lease of government property to individuals or bodies, (3) the approval of guarantees, (4) the consideration of appeals against resolutions of the administrative council of a qadah, (5) the determination of claims to formerly dead land being newly cultivated, and (6) the fixing of a redemption price for taxes paid in kind, a hang-over of the Turkish regime. Besides these responsibilities, the council is also given general charge of all the administrative affairs of the

* liwa and all the business relating to more than one qadah. Besides all this, the law provides that any matter referred to the council by the Mutasarrif may be considered by it.

According to Iraqi administrative law, the qadah also has an administrative council. The Qaimmaqam is the president of the council and the three ex-officio permanent members are the chief finance officer in the qadah, the land registrar, and the chief clerk. Just as in the liwa, there are here four "elected" members chosen in the same manner as for the liwa council. The municipal councils cut the list down from three to two candidates for every position and the Mutasarrif makes the final selection of members. With the exception that the qadah council may not act as a court of appeals for its decisions, the duties of the two councils are similar.

Neither of these councils is a juristic personality, but a part of the administration whose resolutions are executed by the administrative officer of the district.

There is a body in the liwa that does possess the juristic personality, the Liwa General Council. The Mutasarrif is the executive officer of this council. Again we find both ex-officio permanent members and elected members included in the Council. In addition to the president, or the Mutasarrif, the ex-officio members are the director of education in the main town of the liwa, the head of the health service, the highest-ranking official of the Ministry of Public Works, the ranking official of the Ministry of Communications, the

Ministry of National Economy representative, and the mayor of the municipal council of the liwa seat. In Baghdad any member other than the mayor may be delegated to represent the municipal council.

The elected members represent the qadahs. They vary in number, according to the importance of the liwa, from six to fifteen. Each qadah is entitled to at least one representative on the council, chosen at a joint meeting of the second electoral college for the election of Deputies and the qadah administrative council. Similar qualifications are necessary for the elected members of the Liwa General Council as are required of prospective Deputies, but in addition, a minimum residence of one year in the qadah one represents is required. After he has been selected, a member of the council may lose his two-year membership in four ways, namely, by imprisonment, by absence from more than one-half of the meetings in one year, by cessation of residence in the liwa, or by retirement. New elections must be held when a vacancy occurs.

The council normally requires the close attention of its members for only one month of the year, in March. The usual session is provided to last during the entire month of March, when all the business of the liwa must be attended to, including the approval of the budget for the ensuing fiscal year. Should the period of one month prove insufficient, the session may be extended to a total of forty-five days, if the Mutasarrif informs the Minister of Interior of the reasons for the prolongation. An extraordinary meeting may be called only if two-thirds of the members request it, stating the specific

matters they wish to discuss. The Mutasarrif may also propose to the Minister of the Interior that an extraordinary meeting be held, similarly stating the business of the proposed meeting.

The Liwa General Council is provided with not only a president but also a vice president. This official is chosen by the members of the council at their first meeting and is given the task of acting as a deputy to the chairman. A quorum is formed by a majority of the members, and resolutions may be passed by a simple majority of those present at the meeting. Again, the president has a casting vote in the event of a tie. Before a resolution can become effective, it must be approved by the Mutasarrif within fifteen days. If he objects to any act, or if anyone else objects, he cannot merely return it to the council, but he must refer it to the Minister of Interior, who shall decide the issue within thirty days. It is the prerogative of the president to adjourn any meeting of the council, but he must state his reasons to the Minister of Interior if he does so. Should the Minister of Interior dissolve the meeting, which it is his right to do, he shall inform the full Council of Ministers. Upon their agreement, a new Council must be elected to meet within three months from the date of dissolution.

Now that we have the local administration set up, let us look at the duties which the Liwa General Council must fulfill in its normal functioning. (a) It must see to the opening

and the maintenance of the liwa roads, excluding the municipal roads; (b) it is responsible for the drainage of marshes; (c) it must approve the municipal budgets and supervise the municipal expenditure. If the municipality is in debt, the Minister of Interior must approve the budget, and if it is a debt owed the government, the Minister of Finance must also approve it. (d) Within the range of the law, the council must decide on the taxes, a decision which must be finally reviewed by the Minister of Interior. (e) It is in charge of establishing agricultural demonstration farms, stud farms, and agricultural chambers; (f) it must see to the care and protection of any forests in the liwa; (g) it is responsible for the establishment of trade-schools, for artisans' protection, and for the promotion of industry. (h) Chambers of Commerce are to be sponsored by the council to assist in the development of the liwa's trade; and (i) schools are to be set up for the laborers, with the council responsible for the funds to maintain the schools. (j) The council is to establish charitable institutions in the liwa; (k) it is to care for the property belonging to the local administration; (l) it is to administer any institution set up by the local administration, and (m) finally, it is to establish means of communications and savings banks in the liwa. Each of these duties is in reality a program of the central government which it is up to the liwa to carry out, as it is enabled to do through its General Council by this legislation.

Where is the liwa to obtain its funds for these projects?

The law provides for this, too, by enumerating ten sources of revenue: (a) one-half of the net collection of the tax levied in the liwa by the government, (b) one-half of the gasoline tax, (c) any other not exceeding twenty-five percent to the consumer, property, and municipal taxes that may be levied by the General Council, provided that the additions are sanctioned by the Cabinet, (d) grants from the local finances for specific works, (e) fees for the use of facilities, such as a bridge or ferry, which the council has provided, (f) revenue from local administrative services and fairs, (g) donations, and the estate of anyone who might die without leaving an heir, (h) government revenue specifically allocated by law to the General Council, (i) loans negotiated for specific works, and (j) grants earmarked in the government's budget for general councils when the local administration is in real need. Loans equal to not more than two-thirds of the council's annual budget must be approved by the Ministers of Interior and Finance, and loans over two-thirds, by the Council of Ministers as well. A loan equal to more than the total annual revenue of a council may not be requested.

Seemingly addicted to lists by this time the legislature has gone on, after declaring the sources of revenue, to enumerate the various expenditures permissible. This list reads like a list of services with which the council is charged, which it actually is by virtue of the fact that the council budget is properly to include each of the heads

of expenditure. These are: (a) salaries, office overhead, and municipal services; (b) allowances for the elected members, who hold honorary positions; (c) the cost and maintenance of an institution established by the council, and the expenditure on local administrative property; (d) provision and maintenance of the bridges and ferries not covered by the central government or the municipality; (e) the provision and maintenance of schools; (f) the cost and maintenance of maternity homes; (g) the provision and maintenance of veterinary hospitals; (h) the cost and maintenance of irrigation canals not provided by the central government; (i) grants for specific village projects requested by the village council and given the approval of the Liwa General Council; (j) the interest and installments on any loan floated by the council, a most important provision; (k) the expense of the collection of taxes; generally included in item (a); and (l) a final miscellaneous provision for other expenditure made necessary for work or duty devolving upon the council by law or regulation.

With all this revenue provided for and the heads of expenditure specified, what provisions are laid down concerning the budget? The budget is simply prepared by the Mutasarrif for presentation to the General Council at its first meeting. The power that the council has over the budget is not stated. We can only assume that its primary function is to approve the budget. When the budget is submitted to the

Minister of Interior, he has thirty days to approve it or make objections. If a provision has been omitted, he has the right to insert that service and to require economies to be effected to cover the expenditure. If he does nothing within the time limit, the budget is considered approved. If he raises objections, the council has the right to reconsider it. Their only recourse, however, is to approve it, because disagreement on their part sends the budget to the Council of Ministers for the final decision. The Cabinet would probably support the decision of one of its members.

Chapter VIII

The Administration of Jordan

Jordan, as a nation, is young. Her government is gradually developing from that of a territorial administrative division to that of an independent state, and her district administration is still largely a hang-over from the days before the Arab Revolt. In fact, Professor Abcarius found so little change in the administrative law for Jordan that he did not include it in his present writings.¹

For the reason that the Ottoman law has been almost completely adopted for the administration of the Hashimite Kingdom of Jordan today, it would assist us if we first glance briefly at what that earlier law was. The administrative divisions then were the wilayet, the sanjaq, the qadah, and the commune. Heading the wilayet as its governor was the Wali. He was a nominee of the Sultan and was responsible to him for the administrative, financial, and political affairs of the district. It was his duty, as an agent of the central government, to see that judgment were executed properly and that order and security were kept by the police force. The administrative council of Majlis Idari, for the wilayet was composed of the Wali as chairman, the Finance official, or Mudir al-Mal, the Chief of the land Registry, the head of the correspondence bureau, the Mufti, and the heads of other religious communities, as the ex-officio members, and four elected members,

¹ It is still, however, his research upon which this

two Moslems and two non-Moslems. These latter were mandatory if there were a non-Moslem community, regardless of its size.

The General Council for the wilayet comprised the Wali again as the chairman and four members chosen from each qadah, two Moslems and two non-Moslems. They met only once a year and then for not more than forty days, meaning that their business could not have been more than the regular services with which an administrative territory would be faced. When we look at their duties, we realize that this was the case. They were responsible for the construction, maintenance, and policing of routes of communication through the wilayet, the building and the upkeep of the municipal property in the chief town of the wilayet, the improvement of agriculture, that being the main means of livelihood in the country, and the apportionment of taxes. When the council had resolved on some matter, it was up to the Wali and his administrative staff to execute the decision. Whether or not his approval was required before he carried it out is not stated, but it would seem that in such a case there would have been provision for further action in case he rejected a proposal.

In the sanjaq, the Mutasarrif was the executive. He was responsible to the Wali for the affairs of his district, with an accountant, a clerk, and assistants to work with him in the administrative body. Chief among the duties of the Mutasarrif were the disposal of the forces and the police within the sanjaq. Like the wilayet, the sanjaq had an

administrative council composed of ex-officio members, namely, the Mutasarrif as head of the council, the qadi or judge, the Muftó, the spiritual heads of the non-Moslem groups, and a representative of the Finance Ministry. In addition there were four nominated members, two Moslems and two non-Moslems, but there were no elected members. The sanjaq council's functions were limited to the usual services.

By the time one came down to the qadah in this small territory, the Qaimmagam's primary function was to act as an agent of central government, receiving his instructions through the Mutasarrif and the Wali above him. He was assisted by an administrative council of five elected members, three Moslems and two of other religions, the Mufti, the qadi, the religious heads of the non-Moslem communities, and the accountant, the clerk, and the chairman's assistant.

Within the commune we find a slightly different arrangement. There were two Mukhtars who acted as the agents of central authority, but they were elected rather than appointed. This was an unusual departure from the tight centralized administration of the Ottoman Empire, probably done in an attempt to placate the dissatisfied citizens. The Mukhtars' term for one year, after which they were eligible for reelection. For its administrative body, each commune elected from three to twelve men to form a Council of Elders in conjunction with the Imam

and the religious heads of the non-Moslems, who were ex-officio members.

This is only an imperfect sketch of the Ottoman administration at the time of the Arab Revolt. It was a centralized government, always setting the Moslems apart from the other religious groups as a basis for any representation in the government. What is the administration today? Too similar to that which existed thirty-five years ago. For example:

Today the administrative divisions are the liwa, in place of the wilayet, the qadah instead of the sanjaq, and the nahiah where the qadah was. The commune is restyled the municipality. As under the Ottoman law, the hierarchy of responsibility and the line of instructions still sifts down from the Wali, now the Prime Minister, to the Mutasarrif, the Qaimmaqam, and the Muafir. (We notice here that the nomenclature in both of the British mandates was the same.) In every liwa and qadah, there is an Administrative Council headed by the Mutasarrif or the Qaimmaqam, as the case may be. The members in each are the qadi, the accountant, and four elected members. This time, rather than arbitrarily selecting two Moslems and two from the non-Moslems, a special provision is made for a somewhat proportional representation. Wherever the Christians number more than 500 males in the district, one of the four members is to be a Christian. Included in the non-Moslem group are the Shirqaas, or Caucasians who immigrated into southern Syria in the nineteenth century. If there are one thousand or more

non-Moslem males, two of the four are to be non-Moslems. Their term on the council is two years, and since no provision is made for reelection, we may assume that they are reeligible. The "electorate" is composed of the Mutasarrif as the chairman of this electoral college, the qadi, the accountant, the mayor, the municipal council, the Imam, the non-Moslem religious heads, and the Mukhtars.

Should there be an objection to the decision of the qadah Administrative Council, the difference of opinion may be settled by the Administrative Council of the liwa. Should the appeal concern a land title, (Tapu), a special committee of the head of tapu, the head of accounts, and the public prosecutor before the court of appeal hear the objection.

By far the greatest amount of administrative legislation in Jordan deals with the municipality. It takes only a decision of the Executive Council and the approval of the King to create a municipality or to take the title from a community. The municipality may be a town, a village, or even a group of two or more villages that have bound themselves together under one government. When the Council decrees a municipality, it delimits it and assigns certain functions to its government. The municipality is always, of course, subject to the supervision and control of the central authority in its conduct of the affairs of the community. Included among the present municipalities are Amman, Irbid, Jarash, 'Ajloun, As-Salt, Madaba, Zerka, Karak, Tafilah, and Ma'an.

Just as in the larger divisions, the municipality, too, has its council. It is headed by a president and a vice president, and composed of both nominated and elected members. The elected members number from four to six, while the nominated members must be less than the elected to maintain a balance between the two. Although both the appointed and the elected memberships are honorary positions, the president is remunerated. The president is nominated and may be discharged by the Premier, just as are the technical employees in the municipality. Other employees, however, are appointed by the council upon the recommendation of the Mutasarrif, with the approval of the Minister of Interior. The Mutasarrif is the administrative head of the municipal councils in his liwa, and it is on his shoulders that the presidency of the council and the discipline of the non-technical employees falls, with the exception of Arman. In the capital city, it is the mayor's recommendation which is the important in the appointment of council members and it is the duty of the Minister of Interior to appoint them. He does not take the responsibility for their discipline, but leaves that to the Director General of the Ministry. Unless they be discharged for bad behavior, these members and the president are compensated for their service. If one is discharged after three years of service, or if he resigns after ten years of service, he is entitled to compensation equal to one month's salary for every year that he has served on the council as a member. We see, then that the council membership is entirely

in the hands of the Mutasarrif and the Minister of Interior, who may discharge any member for bad conduct. This power is not used arbitrarily, but in accordance with administrative rules laid down by the central government and based on a legal provision passed by the legislature.

The appointed members on the council may not be disqualified by virtue of being municipal or government employees since employment in either does not disqualify a member for appointment, (it disqualifies him for election) to the Council. Elected members of the council must have resided in the municipality during the preceding twelve months to be considered a citizen of the community, and they must each pay a tax of 500 Jordanian fils in land, property, or income tax. A one year sentence or a paid position in the municipal or central government will disqualify a man from membership on the council as an elected representative. A contract with the government will similarly disqualify any aspirant. Minorities are represented by a member only if they form at least ten per cent. of the total population.

The Mutasarrif calls for the list of electors for posting forty days before the elections. Opposition to the list may be raised within this period, and it is obligatory upon the Mutasarrif to investigate and to decide the issue. Should there be an appeal against the Mutasarrif's decision, the final word rests with the magistrate. The Council in Jordan concerns itself with the regulations for (a) the preparation of the lists of electors, (b) the correction of the lists,

and (c) the general method of voting and control of the elections. The central government here holds a close rein on the local government, giving it little chance to do anything without approval. Despite this, the council does possess the juristic personality.

The term for the council is four years and all are eligible for reappointment. In this connection we come across an unusual provision: the term of four years may be extended or cut short by order of the Prime Minister provided that simultaneously he sets the date for new elections. He might dismiss the council, but why should he be allowed to extend its term beyond the four-year period?

A majority of the members form a quorum, and resolutions may be taken by a simple majority vote. The president is again awarded the casting vote in a tie.

The functions of the council, as they are laid down by the law, charge it to secure the well-being of its citizens, to deal with education, taxation, public works, public security, public health, and agriculture as far as is provided in the law. This provision would leave the council with nothing to do in these fields if the law failed to specify the authority of the Council. Unless otherwise provided by law, the municipal council is free to expend from the municipal budget. It is also to prepare and issue administrative instructions. Finally, it is charged with meeting at least once a week, the first such measure of frequency we have discovered in Iraq or in Jordan. Any government official may

attend a meeting of the council if he has been deputed to do so by the Premier or the Mutasarrif.

In financial matters, the mayor and the accountant are responsible for the municipal fund. The budget is prepared by the mayor and it is subject to the approval of the Premier, who may authorize the transfer of savings on items and heads of expenditure to be spent on other heads and who may also authorize loans. The revenue which the municipality may spend comes normally from the contracts of tax farmers and from dues and rates that may be imposed, and a tax on the sale of animals. Jordan is one of the few places left in the Near East where practice of tax farming is still exercised to a limited extent. It is a practice abandoned long ago by other countries, where its evils were recognized, and it is but a question of time before it is abandoned in Jordan as well.

Expropriation and the disposal of property by the municipality require the approval of the Executive Council and the King, but if it is for purposes of public utility, property may be sold with the consent of the Premier.

In addition to the elaborate and closely checked system of municipal administration in the Jordan, the law provides for a Consultative Committee to advise the Prime Minister on matters relating to municipal affairs. This committee may not interfere with the conduct of municipal affairs, according to the law, but the municipality is obliged to give it all the facilities and the information it requires.

Ministers come and go, and there is need for some one, or a body of men, versed in the administration of local government to guide a highly centralized administration which presumes to run local government from above. Hence the necessity for the Consultative Committee. As a body whose advice is paramount, it is bound to exercise an influence over the municipal council -- an influence salutary in the measure of the expert knowledge of the advisory committee.

Chapter IX Conclusions

We now have a picture, or perhaps I should say a sketch, of the political development of the twin Hashimite kingdoms over the past half century. Our problem in this last chapter is to sum up the sketch, to relate its parts, and to draw our conclusions from it. These two states have many things in common, and many points of difference. What are some of them?

First, we must recognize the common background of Islam which still today dominates the cultural life of these two countries. Because Islam pervades all of life, it additionally plays a great role in determining the social, political, and economic development of Moslem countries. The character of its role has been partially determined by its differentiation in social and political life between Moslems and non-Moslems and its separation of the two groups. We can see this principle operating in the administration of Iraq and of Jordan, and particularly in the political problems which face Iraq. Iraq has had, however, the additional task of pacifying the two main branches of the Moslems themselves, the Sunnis and the Shi'ites, as well as her Kurdish and Christian populations.

Until the Great War came to the Near East in 1914, the Fertile Crescent shared in common its subjection under the Ottoman Empire. With the exception of the brief reign of

of Mohammed Ali in Syria, the Near East was under the rule of the Ottomans for four hundred years. No wonder then that much of the administrative organization has been inherited from the Turks, or that the nomenclature is still the same, particularly in these two countries that shared the same mandatory. Jordan was the most backward part of backward Syria during the Ottoman rule and had received little attention until the late nineteenth century. Baghdad, on the other hand, was so far distant from the Constantinople that the attention Iraq received was only half-hearted. Second-rate administrators were usually smiled there as a means of getting them off the hands of the central administration. Not until the European Powers forced the sultan's mind to turn to Iraq did the Sublime Porte concern itself to any degree over her outlying province. The effect of the attempt at tighter control through centralization of the government in the nineteenth century was never strongly felt in either Jordan or Iraq.

The first World War also became part of the common heritage of Iraq and Jordan. Iraq was taken over by Great Britain as the outgrowth of an initial desire to protect British interests on the Persian Gulf, but it eventually suffered and participated in the battles between the Turkish and the British forces. Jordan's involvement was different, although the results were similar. She was in the path of the Arab Revolt that swept up from the Hejaz to free Syria and the Arabs from the Turks for the independent rule of the Arabs. When the

armistice was declared in 1918, the Arabs did not hold their fate in their own hands. The European Powers had already decided the near future for the Arab East. Woodrow Wilson of the United States advocated the League of Nations, then General Smuts of the Union of South Africa set forth his idea of a mandate system. All of these factors evolved for both Iraq and Jordan the position of mandate states attached to the mandatory power, Great Britain, just as the latter had desired. The two territories passed, then, from complete subjugation under the Ottoman Empire to the subjugation of a tutelage under His Britannic Majesty's Government.

Not long after these two states acquired their mandated status they were given monarchs of the same family, Abdullah and Faisal Ibn Husain, sons of the Sharif of Mecca. True, Abdullah had to wait until 1946 to become a King from an Amir, but his wait was not in vain.

Despite the fact that both Iraq and Jordan were British mandates under Hashimite Amirs, they did not develop similar systems of government. They both may be called constitutional Monarchies, but one is a parliamentary government while the other is ^acentralized, unique form of government bearing partial aspects of several forms.

Iraq and Jordan call themselves independent states now. Iraq has not yet been able to replace the 1930 Treaty with Great Britain with an agreement made on the basis of the equality of the two states, but with the exception of a few matters, she is a free agent in all her affairs. Her chief connection with England today is the mutual defense alliance

including the military privileges granted to England in Iraq. We can not say, however, that Jordan is as free. It has been explained earlier that she must still rely on the British Government for annual contributions from His Majesty's Treasury to balance her books. As long as this is necessary, the Hashimite Kingdom of the Jordan can never be truly considered an independent state.

The Hashimite kingdoms are a primary example of the influence of economics upon the politics of a state. Iraq has unexploited economic potentials, beyond those which already enable her normally to be financially independent of any other state. Jordan does not and probably never will have the ability to be an economically independent state. Her economy is an agricultural one, limited to a small cultivated and cultivable area of approximately one-fifth of the country, with few mineral resources and no bases for industry. Even if she could find the industry that might be suited to the Jordanian conditions, she would need an adequate outlet through a Mediterranean port for import and export, or at least railroad communications with a Mediterranean port, at freight rates that would not be prohibitive.

The sociological implications of the economies of the two countries also has a bearing on the political development of the two nations. While Jordan is a state of small landowners, peasants, and farmers, Iraq has always had many large farms and proportionately more large landowners, and a few industrial manufacturers, meaning a larger group of

the wealthy class. Many of this class have turned to the West for their education and have begun to adopt ideas from the West. Their influence will be felt more and more in Iraq.

Whether the Hashemite Kingdoms? Both states have been vitally affected by the rise of the state of Israel in the Near East. An estimated four-fifths of the Jews in Iraq left, at the encouragement of the Iraqi government, given up their Iraqi citizenship and fled to Israel. All official problems stemming from the main problem are not as great, for Iraq, as those which trouble Jordan, which England has maintained as a buffer state. Jordan is immediately across the danger of Israeli aggression, and the policies of her government must be controlled by this fact.

These three such states, along with the other states of the Near East, have developed admirably to a great extent in the past thirty years. They have developed two hundred and a half times **than** the present level if they were to meet the world problems which are challenging them. They have all been under the increasing influence of the East and its ideas of progress and development. No **ay** less in the East, which the West has developed the West, it is known to them that the West will continue to be represented here. As long as power politics prevail -- as is it now -- if that power politics is the only kind of politics there is -- power will continue to be the force that **en**forces their governments. Its interest is too strategic, its natural resources too vital to let it sink into oblivion again. If the West could only

realize that the West has gained from the East, and accept the fact that the East can benefit from the West, it might then be able to cooperate more fully in its development with those who are willing to assist it. Of course, this implies that the West must be willing to give of itself in the manner of cooperation and understanding, without thought of strings of political control attached to her assistance.

It is, after all, understanding and cooperation which will characterize a peaceful world, and it is that peaceful world towards which the students of international relations are training themselves to work.

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