

T
95

THE POLITICAL EVOLUTION
OF PALESTINE
UNDER
THE BRITISH MANDATE

AN ESSAY SUBMITTED TO THE FACULTY OF THE SCHOOL
OF ARTS AND SCIENCES OF THE
AMERICAN UNIVERSITY OF BEIRUT
IN PARTIAL FULFILMENT
OF THE REQUIREMENTS FOR THE DEGREE OF M.A.

BY

OMAR M. ABOU KHADRA

TABLE OF CONTENTS

	Page
PREFACE	
CHAPTER	
I. HISTORICAL RETROSPECT	1
II. BRITISH COMMITMENTS	18
III. MANDATES AND THE PALESTINE MANDATE	35
IV. ORGANIZATION OF THE GOVERNMENT OF PALESTINE	60
V. ARAB AND JEWISH POLITICAL ORGANIZATION	86
VI. POLITICAL DEVELOPMENT OF PALESTINE: 1918-1930.	106
VII. POLITICAL EVOLUTION OF PALESTINE: 1931-1942.	142
VIII. A POSSIBLE SOLUTION	195
CONCLUSION	204
APPENDIX	
A. ARTICLE 22 OF THE COVENANT OF THE LEAGUE OF NATIONS	221
B. THE MANDATE FOR PALESTINE AND TRANSJORDAN	224

PREFACE

It is due to the anomalous situation created by the "Balfour Declaration" that Palestine rested on a precarious foundation. Many books, and articles in different magazines, were written sponsoring the Zionist Cause. Some British statesmen even believed that it is worthwhile to experiment with the creation of a National Home for the Jews. Such an action, they contended, would not prejudice the political and civil rights of the Arabs. This was not true. The Arabs were at pains in acquainting the British people of their grievances. The ordinary British citizen scarcely heard of what harm the British policy was inflicting on the people of Palestine. Save for the works of Mr. J. Jeffries, Palestine the Reality, and that of George Antonius, The Arab Awakening, no valuable books appeared championing the Arab point of view.

The extension and gravity of the recent disturbances of 1938, coupled with the scarcity of sources defending the Arab cause stimulated me to inquire more into the true facts of the situation. Frequently, I had to depend on Zionist sources, which distorted the facts of the situation. They depicted the Arabs as blood thirsty people, whose business was to plunder the Jews.

The Arabs attempted every pacific form to have their grievances remedied. When they failed, they resorted to forcible measures, but with no avail. In endeavouring to combat the Zionist peril, the Arabs tended to forget the importance of constructive work. Also, in their decision of non-cooperation with the administration they took a middle-course, a policy which greatly hampered the prosecution of the national cause.

PREFACE

The Mandatory's government endeavoured all through to have an impartial attitude when dealing with the two communities. The influx of Jewish immigrants coupled with the chain of disturbances precluded the government from effecting constitutional changes. Whether Palestine has politically evolved under the tutelage of Great Britain is the subject of the thesis.

It is impossible for me to end without confessing my appreciation and gratitude for the incalculable advice and assistance I received from Professor Roger Soltan, without whose help this work would have never been completed. Also much thanks and gratefulness should be reserved for Mr. Cecil Hourani to whom I acknowledge my indebtedness. I sincerely hope that in my survey of events I tend to be as near to the true facts as possible.

Omar M. Abou-Khadra.

CHAPTER I
HISTORICAL RETROSPECT

The Land and the People

Palestine is bounded on the north by Syria, which was administered under a mandate entrusted to the President of the French Republic, on the east by Transjordan, a mandated territory where a native Government under His Highness the Emir Abdullah has been established, on the south-west by the Peninsula of Sinai, which forms part of Egypt, and on the West by the Mediterranean. To the South-east, separated from Palestine by only a narrow strip of Transjordan territory, lies the independent Arab state of Nejd under the rule of King Abdul-Azziz ibn Saud who also is the King of Hejaz.

Viewed in the light of the history of at least the last four centuries, Palestine is an artificial conception. Under the Ottoman regime it formed part only of an administrative unit, the remainder of which consisted of areas now coming within the jurisdiction of the governments of other neighbouring mandated territories. Its frontiers, too, are largely artificial. In many parts they lie open to the migrations of nomad tribes who by inter-governmental agreements ⁽¹⁾ are allowed unhindered passage across these frontiers for the purpose of exercising rights of grazing which they have acquired by long usage. In Turkish times the members of all these tribes were Ottoman subjects; today some are technically of Palestinian, some of Transjordanian and others of Syrian nationality, and it is at least doubtful whether they themselves recognize distinctions of this character.

(1) Report on the Commission of the Palestine Disturbances of August, 1929, Page 6.

Palestine is a small country. Its average length from north to south is about 160 miles and its extreme width from east to west is less than 70 miles. Its area is approximately 10,100 square miles (26,537 square kilometers) including a water area of 261 square miles. (2) In size it is therefore comparable to Wales or Belgium. Though small in area, Palestine has a variety of geographical detail, of soil and of climate wider than that of countries many times its size. In the south and south-west there are wide expanses of sand dunes and desert. The remainder of the country falls naturally into three longitudinal strips, the maritime plain, the mountainous regions and the Jordan Valley.

Along the greater part of the Western seaboard lies a stretch of fertile plain of sand and sandy loam soil. In the south this plain has an average width of about 20 miles, but it gradually narrows to the north until at Mount Carmel, near Haifa, the hills approach to within a few hundred yards of the sea, but beyond Carmel the plain widens again. The second strip consists of two distinct mountainous regions divided sharply by the Plain of Esdraelon. To the north of that Plain are the mountains of Galilee, extending beyond the Syrian frontier and rising at Jebel Jermak to a height of 3,934 feet above sea level; to the south are the mountains of Samarra and Judea which in places reach heights little less than those of Galilee. Most of this second strip of country is desolate and stony, but at irregular intervals there occur stretches of fertile land capable of deep tillage.

(2) The Handbook of Palestine and Transjordan by Luke and Keith Roch, Page 5.

The Plain of Esdraelon (Marj Ibn Aimer), which cuts so sharply through the mountain system of Palestine, is roughly triangular in shape. Though the soil is here of a heavier and more clayey texture than that of the coastal plain, Esdraelon is proverbially fertile and is especially suitable for cereal production. The third and eastern strip of country is the Jordan Valley - a natural depression which, starting from sea level in the extreme north of the country, falls gradually to a depth of 1,300 ft. below that level at the Dead Sea about 100 miles to the south. (3) This Valley is the third large block of fertile land in Palestine, the others being the Plain of Esdraelon and the Maritime Plain. But climate naturally varies with altitude and whereas the plains are sub-tropical and humid and the mountainous region is drier and more temperate, much of the Jordan Valley is at times oppressively hot, the rainfall is slight and it seems doubtful whether the fertile tracts within it can support large agricultural population without a proper system of irrigation. (4)

In addition to Jerusalem, which is situated in the midst of the hills of Judea, the principal towns of Palestine are Haifa, a naval port in the north at the entrance to the Plain of Esdraelon, Jaffa, another port which lies some 40 miles ^{west-}north-west of Jerusalem and Tel-Aviv which is contiguous to Jaffa. Of these Jerusalem has now a small majority of Jewish inhabitants; in Haifa both races are approximately equal; Tel-Aviv is entirely a Jewish town, and in Jaffa the great majority of the people are Arabs.

(3) Report on the Commission of the Palestine Disturbances of August, 1929, Page 7.

(4) Report on Immigration and Land Settlement, Simpson's Commission

Palestine, the land which has given to the World Judaism and Christianity and has played an important part in the early development of Islam, is now inhabited by representatives of many races. The largest element of the population is composed of Arabs the language of whom is Arabic, its religions are Islam and Christianity. Next in numerical strength are the Jews whose usual language is Yiddish, but the use of Hebrew as a spoken and written secular language has made enormous strides in recent years, largely owing to the impetus which the Zionist movement has given to its revival. The Hebrew language, to quote the High Commissioner's Interim Report on Palestine for 1920-21 which, except for purposes of ritual, had been dead for many centuries, was revived as a vernacular. Hebrew is now the language spoken by almost all the younger generation of Jews in Palestine and by a large proportion of their elders (5). Immigration in the nineteenth and especially the twentieth centuries has contributed the bulk of the present Jewish population of Palestine; the sole representatives of ancient Israel continuously inhabiting the country are to be found in the small remnant of the Samaritans. The third census of Palestine since the country has come under British administration was taken in 1938 and gave a total population of 1,418,619 made up as follows: 895,159 being Moslems, 399,808 Jews, 111,796 Christians and 11,856 of different religions like Druses and Bahais (6).

With the exception of small Shiah colonies, the Moslems of Palestine are Sunnis divided among the four rites (Mazhab) approximately in the following proportions:-

Shafi 70%; Hanafi 20%; Hanbali 9%; Maliki 1%.

(5) The Handbook of Palestine and Transjordan, Page 61.

(6) Report on the Administration of Palestine, 1938; Page 226.

Under the Ottoman Government the Hanafi was the established rite, it being to this school that the majority of Turks belong. The Christian total includes adherents of the Orthodox, Roman Catholic, Greek Uniate (Melkite), Anglican, Armenian, Coptic, Abyssinian, Maronite and other Churches. Sixty languages are figured in the Census as habitually spoken in Palestine (7).

Now the Arab population falls into two categories, the Nomads (Bedawi) and the Settled Arabs. The former are the purer in blood, being the direct descendants of the nomadic tribes who from time immemorial have inhabited the Arabian Peninsula, and who to this day dwell in portable tents of black goats' hair. The Bedouins are for the most part Moslems but are on the whole less devout than the settled Arabs. Most of the Bedouins of Palestine live in the Beersheba sub-district. Some of the semi-nomads of Transjordan especially around Madaba and Kerak in Transjordan still retain the Christianity which they adopted in the early centuries of the Christian era (8). The settled Arabs are of more mixed descent, some of them are agriculturists and dwellers in towns, civilized, industrial and of peaceful inclinations.

In 1839 the Jews of Palestine were reported to number about 12,000, in 1880 they were estimated at 35,000, in 1900 at 70,000, and at the outbreak of the war at about 85,000. It was about 1880 that Jewish immigration was resumed on an appreciable scale, and since this period most of the Jewish immigrants have been Ashkenazim from Central and Eastern Europe. The Balfour Declaration has of course

(7) Report on the 1931 Census by E. Mills, published by the Government in 1933.

(8) A Handbook of Palestine & Transjordan, Page 40.

given a great impetus to further Jewish immigration from all parts of the Jewish "Diaspora". There are other Jewish Communities attracted to the country by its sacred associations. One of the most interesting of these is the colony of the so-called Bokhara Jews; they claim to be the descendants of Jews who emigrated from Babylon to Persia and thence to Central Asia. Another element deserving of mention is the Colony of Yemenite Jews, who speak both Hebrew and Arabic, and ^{who} have been cut off from the rest of the world since the rise of Islam in the 7th Century of the Christian era. They are a remnant of those large Jewish nomadic or semi-nomadic communities, many of them autonomous, which existed throughout Arabia in the time of Muhammad. In the course of the last thirty years or so a number of these have been returning to Palestine, which now numbers about 6000 Yemenite Jews⁽⁹⁾ - otherwise most of the recent Jewish immigrants are either Polish or German Jews who fled away from persecution.

Palestine Under Turkish Rule

Turkish government in Palestine before the Great War was in effect a despotism, modified to some extent by the delegation of authority to the leading families in Syria (including Palestine before 1918) who held large estates. At the end of the period of Turkish rule Palestine lay, administratively speaking, partly in the autonomous Sanjag of Jerusalem (not a part of any vilayet, but subject immediately to Constantinople) which embraced five Qadas, namely those of Jerusalem, Jaffa, Hebron, Gaza and Beersheba and partly in the Vilayet of Beirut in the Sanjag of Acre

(9) Handbook of Palestine and Transjordan, Page 60.

with five Qadas, namely those of Acre, Haifa, Safad, Nazareth and Tiberias and the Sanjag of Nables embracing the Qadas of Nables, Jenin and Tulkarm.

Now the Ottoman administration was highly centralized for the Vilaya, administered by a Vali, was divided into sanjags administered by Mutassarrifs who resided in the seat of the sanjag and were responsible to the Vali. Each sanjag was divided into Qadas at the head of which was a Qaimaqam who was in turn responsible to the Mutassarrif. The Qadas were sub-divided into Nahiehs under officials known as Mudirs; and the smallest unit in this symmetrical administrative organization was the Village ruled by its Mukhtar (headman) and his elders.

The Vali, being appointed by the Sublime Porte, had the supreme authority in running the administrative, educational and political affairs of the Vilaya. He was the supreme head of the police and was responsible for the enforcement of the judicial decisions, of the laws of the Empire and the laws that pertain to the Vilaya. The actual administration of the police was in the hands of a colonel who was placed at the orders of the Vali; the latter divided the police forces among the sanjags and Qadas. The Vali even appointed within his competence the administrative officials and he had to make one visit of inspection in the Vilaya every year. He was to supervise the collection of taxes and to send them to Constantinople. He could not levy new taxes or reduce old ones without the consent of the Porte though he could recommend any measure he thought necessary.

Several other officials appointed largely by the Central Government assisted the Vali in the acts of administration.

Most important among them were: the dafterdar, appointed by the minister of finance and put at the disposal of the Vali to take care of the finances of the Vilaya. He was responsible to the minister for his action. The revenues of the Vilayet, part of which had to be paid into the Imperial Treasury, were derived chiefly from the taxation of land and buildings, customs, stamp duties and court fees. Other imposts were levied, such as a tax on animals, payment in lieu of forced labour on road or to obtain exemption from military service. At a later date special war taxes were imposed on buildings, salaries and professions. The main tax on land was the tithe ('Ushr) calculated at 12½% of the gross yield of the land. While the incidence varied according to the harvest, the annual assessment in the field or the threshing floor gave opportunity for great abuse. The Turkish Government, in accepting the final highest bid for a village or locality, was only interested in so far as the full collection of the sum due to them was paid. Any sum over and above this went into the contractor's pocket, and in practice by a division of spoil between the contractor, the rich landowner and the mukhtar (village headman) great pressure could be and was exerted on the peasantry (10).

Another official appointed by the Porte was the Maktabji who has for his function to keep and run the correspondence of the Vilaya and the government press. He was assisted by a special diwan. Another official was appointed by the Porte at the suggestion of the Minister of Foreign Affairs to control the execution of treaties in the Vilaya and to administer its foreign relations. He was the agent of the central

government to be the medium of relation between the Vilaya and the representatives of foreign governments. Still another official was appointed by the Porte to supervise and administer public works, to ameliorate communications and to execute all works that he thought to be of general interest. He also took care of the agriculture of the Vilaya.

The Vali was finally assisted by an administrative council which he presided and which was composed of Kadi-el-Kudat (Chief Justice), the Deftardar, the Maktubji, the Director of Foreign Affairs and of four other members, half Moslems and half non-Moslems. Half the number of members were renewed every two years. The business of the Council was to discuss the administrative affairs of the Vilaya. If it found certain abuses in the administration it could appeal to the Sublime Porte.

In the Vilaya was elected a General Council composed of four members elected by each Sanjag, two of them Moslems and two non-Moslems. The Council was presided by the Vali who called it to meet once every year for a period not longer than forty days. The General Council was renewed completely every year and could be re-elected. It could discuss all affairs relating to the organization, to public works, to the Sanjags, Qadas and municipalities. It could offer recommendations for the amelioration of commerce, industry and agriculture, for the improvement of tax collecting in the Vilayat, for the establishment of agricultural banks and for the spreading of education. When the members of the Council desired to discuss a subject, they had to present their demands first to the Vali who examined them and presented what he authorized to the Council to be discussed.

The decisions of the Council were then sent through the Vali to the Central Government which embodied them in an irada. Thus the Council played a passive role in administration. It did not have the right of initiative and its recommendations were subject twice to the whims of the Vali before they could reach the Central Government and be accorded a hearing. I believe that the role it played was insignificant, being mainly maintained to inculcate in the minds of the people that they participated in running the affairs of the state and that they possessed a popular form of government.

In the administration of Sanjags and Qadas the same state of affairs was followed; the Mutassarif in the former and the Qaimakam in the latter were both appointed by the Central government. The Mutassarif was to execute the orders of the Central government and the instructions of the Vali. He had the executive power in the Sanjag within the limits of his competence, but the financial function and the police were beyond his power. As in the Lewa so in the Sanjag the Mutassarif was assisted by an administrative council which he presided and which had the right to discuss all that pertained to the civil administration, to the finance, and to the collection of taxes. A miniature council existed in every Qada which was presided by the Qaimakam who was directly responsible to the Mutassarif and had to execute his orders, those of the Vali and of the Central government.

In the Mudiriyas a peculiar method was followed. Each sect in a Mudiriya elected two Mukhtars, the sect having less than twenty houses had right to one Mukhtar only. The Qaimakam should be informed of the results of the election, and he had the right of approval. Those Mukhtars, once they obtained

the approval of the Qaimakams would become the agents of the government, they would be entrusted with the collection of taxes and the execution of the general work of administration. They also took charge of the municipal affairs, each in what related to his particular sect. Each sect in the Mudiriya had a council of elders whose members should not exceed twelve nor be less than three. The imams and the religious chiefs were ex officio members of the council whose business was to distribute the taxes on the members of the sect, discuss matters connected with the police in the Mudiriya, with public sanitation and agriculture. The presidency of the council of elders assembled together was of the right of the oldest Mukhtar. The Mukhtars and the elders were elected for one year and could be reelected. They received instructions from the local authority, and the Mukhtars could be removed by the Qaimakam if they did not fulfill their duties or if the council of elders complained of their actions.

So we may conclude that the Ottoman administration was highly centralized and the position of the Vali with all the powers that pertained to him, helped to create more integration and coordination in the Vilaya. The feature of asking local inhabitants to participate in the administration was only introduced in the latter part of the 19th Century; but all these administrative councils on all levels of administration and the General Council of the Vilaya, which were created to represent the popular element, were not freely and liberally elected - add to this that they were restricted in their competence so that they had inevitably to fall under the domination of the representatives of the Central government.

Municipal Councils:

In Palestine at the time of the Ottoman Turks, there were twenty three Municipal Councils. The Administrative Council divides the town into Municipal circles, each having 40,000 inhabitants and a Municipal Council. The Municipal Council is composed of from ten to twelve members elected for four years from among the Ottoman subjects, ^{residing in town} elected members eligible for elections should be above 30 years of age, must speak Turkish and pay 100 piasters in taxes annually on property owned in town. The members should not be involved in business affairs connected with the municipality. One half of the members retire every two years. The President of the Council (the Mayor) is appointed by the government from the elected members. He is salaried and he appoints the municipal officials after the approval of the Council. He is also responsible for the execution of its decisions. The Council meets twice a week at least, at the invitation of the President. If the President is absent, he is replaced by the oldest member. The municipal doctor and engineer are advisory members of the Council. The revenue of the municipality comes from the municipal taxes, from assessments and income from property owned by the municipality. The municipality has a budget which is approved by the Municipal Council and is then submitted to the Administrative Council. The duties of the Municipal Councils are to construct streets, public buildings, sewage systems, beautify the town, defend its interest, establish hospitals and to supervise public morality. Most of these features of the municipalities are still retained by the British government in Palestine.

Religious and Civil Courts:

An important feature of the Turkish regime was the recognition of religious endowments known as Waqf. Under Moslem law "where a property is made waqf the proprietary right of the grantor is divested and it remains henceforth in the implied ownership of the Almighty. The usufruct only is applied for the benefit of human beings and the subject of the dedication becomes inalienable and non-heritable in perpetuity". This form of endowment was also adopted by most of the other religious communities in Palestine. Intimately connected with these trusts were the Shari'a or religious courts. During the Ottoman regime a number of laws affecting the constitution, jurisdiction, procedure and internal organization of the Shari'a courts were promulgated by the Sultan, who was also the Caliph, and after the establishment of the Constitutional Government, by the legislative body - a Moslem authority. This authority did not admit law whenever it thought it desirable, as, for example, by a law dealing with the inheritance of land. As regards the administration of Awkaf, the Shari'a courts registered any dedication and enforced its terms, while the ministry of Awkaf supervised the administration of trust property. The Ministry of Justice in Constantinople exercised administrative powers in regard to the procedure and internal organization of the Shari'a courts, the rules of procedure for which were established by law, not by orders issued by the ministry. These courts were an important part of the Turkish administrative system. Religious courts were also recognized for the different religious communities; these all dealt with matters of personal status.

As to the judicial system, a court of First Instance,

composed of three judges was established in each Qada with a Court of Appeal composed of five or more members in each Sanjag. There was the Higher Court of Appeal in Constantinople. In Palestine there were, therefore, 13 Courts of First Instance and 3 Courts of Appeal. There were in addition single Judges or Justices of the Peace in the principal towns. Thus there were numerous courts throughout Palestine, with numbers of judges whose salaries were by no means to commensurate with their responsibilities.

Other Activities during the Ottoman Regime:

Education, at the date of the Occupation - the public system of elementary and secondary education in Palestine - was essentially that first established by the Turkish law of 1869. The secondary and higher elementary schools in the provinces were subject to the Vilayet control under imperial officers and were comparatively efficient. The lower elementary schools in towns and villages were managed by special local committees and were often little better than the old Quran schools. The general organization of the school system was modelled on the French. Improvements in organization and efficiency were effected after the Revolution of 1908, more particularly by the law of 1913, which was designed to strengthen the control of the ministry and of the imperial education officers over the lower elementary schools. Comparatively little progress was made in the outlying parts of the Ottoman Empire. The northern sub-districts of Palestine, which formed part of the Vilayet of Beirut, profited more than the autonomous Sanjag of Jerusalem where education was largely in the hands of foreign missionary bodies.

In theory Ottoman public education was gratuitous and

compulsory; religious instruction was part of the curriculum, and some provisions were made by law for other religions than the Moslem. Turkish was the language of instruction in public schools down to the outbreak of war. Universal elementary education never became a reality in any part of the Empire. Female education was almost entirely neglected. In general, it may be said that the public schools in the Turkish provinces were ill organized and that the methods of instruction were unsatisfactory, add to this that the use of a foreign medium (Turkish) even in elementary classes made the schools very largely ineffective. This explains why at the time of Occupation so huge a bulk of the people were illiterate.

As to agriculture and industry, previous to the British occupation many fertile lands were left untilled and many others were neglected. Industry was practically unknown with the exception of the wine cellars of Reshon le Tseyon, established by Baron Edmon de Rothschild in 1892, and the native soap industry, established for centuries in Habled and Jaffa which was carried on under the most primitive conditions.

The position of the foreigner in Palestine under Turkish rule was usually safeguarded by the consular authority of his country. The interests of minorities were also protected by diplomats of interested nations. Immigration except by Ottoman nationals, was nominally prohibited, but the door could generally be opened on payment. Foreigners could not be registered as owners of land, unless prepared to forgo consular protection, but nevertheless some Jewish colonies were started by Baron Edmond de Rothschild. The relations between the colonists and their Arab neighbours were on the whole friendly and no antagonism or antipathy existed.

As a result of the revolution in 1908, an Ottoman Parliament was created consisting of a Senate and a Chamber of Deputies, the latter being elected by an electoral college on the basis of one deputy for every 50,000 male subjects. The number of deputies elected from the territory which is now Palestine was six. So at the latter time of the Turks Palestine as the rest of the Ottoman Empire began to send elected members on parity with the Turks, but the Turkish government was always careful to get a Turkish majority in the two chambers.

It is well recognized that the rule of the Turks before the War was in the matter of law and order extremely effective. The Vali in Beirut retained in his own hands and under his own discretion the portfolio of internal security. The courts may have been corrupt, dishonesty may have pervaded public finance, the methods employed for the prevention or detection of crime may have been antiquated but the evil doer did not prosper. Sedition, banditry or robbery were put down with a firm hand. The Turkish policeman was feared and respected. Except in a few outlying places the ordinary citizen could go about his lawful occasions unmolested.

During the Great War there was a reversion to military despotism and towards its close the Turkish Commanders having reason to doubt the loyalty of their Palestinian subjects, adopted severe repressive measures. Apart from frequent public executions and intensive conscriptions, the countryside was denuded of animals, fuel and food supplies. Some land-owners were forced to mortgage their properties to meet the demands made on them by the authorities. Payment when made was in a depreciated currency. Turkish Treasury notes had fallen to one fifth of their face value, the prices of staple

foodstuffs and other commodities were so high in a country always dependent on imports. In their retreat the Turks took with them not only the agricultural stock and produce of the country, but also the records, cash balances and principal officials of the government.

There is no doubt that in 1917 and 1918 the British troops were welcomed by the Arabs in this state of general chaos and depression and that the attitude of the Arabs in Palestine, passive and active, contributed to their success.

CHAPTER II
BRITISH COMMITMENTS

The Hussein-MacMahon Treaty

For many years before the War the Arab provinces of the Turkish Empire had been restive under the rule of the Sultan at Constantinople, and the Turkish army had often been engaged in repressing the outbreaks of the free-spirited tribesmen in the Arabian Peninsula. No less dangerous to Ottoman ascendancy was the growth of a nationalist movement among the young intelligentsia of Syria. Its origin may be traced to the awakening about 1860, of a new interest in Arab history and culture⁽¹⁾. Societies were established for the study of the Arab Golden Age and the revival of Arabic literature. Western ideas of nationality and self-government were penetrating the Near Eastern world. For a generation the cause made little headway under the despotic rule of Abdul-Hamid, but the coup d'etat of the Young Turks in 1908 seemed for a moment to have opened a new age of freedom throughout the Empire. Abdul-Hamid was forced to resuscitate the Midhat Constitution of 1876, but in the first parliament the Arabs were greatly under-represented in the Lower House for the total population of the Ottoman Empire (excluding Egypt) amounted approximately to 22 millions of whom 7½ were Turks by race and 10½ Arabs. Yet in the Chamber of Deputies which assembled in December 1908 out of the total of 245 elected representatives 150 were Turks and 60 Arabs, a ratio of 5 - 2 to the advantage of the Turks. Three Arab senators were appointed by the Sultan out of forty seats in the Upper House. But the ottomanization policy of the Young Turks

(1) Peels Report, Page 16.

convinced the Arabs that a deliberate attempt was being made to suppress their culture and tradition and to substitute that which was purely Turkish. They were not prepared to be easily assimilated, however, and Arab political nationalism began to develop rapidly. From 1909 onwards secret societies were founded standing for the autonomy of the Arab provinces; the earliest was al-Muntada al-Adabi (Literary Club) in Constantinople, another important public society was founded in Cairo in 1912 with the name of the Ottoman Decentralization Party, and still another very important one was al-Fatat, founded in Paris in 1911; no other society has played as determining a part in the history of the national movement. Its objects were to work for the independence of the Arab countries and their liberation from the Turkish yoke.

At the same time the position of Sharif Hussein in Hejaz as Custodian of the Holy Places was precarious. Hussein was aware of the intrigues of the Young Turks to replace him by another man who would be more obedient and trustful towards the Turks. His son, Prince Abdullah, was a deputy for Hejaz in the Turkish Chamber of Deputies. While on his way to Constantinople he passed by Cairo, where he interviewed Sir Ronald Storrs and Lord Kitchener. Abdullah divulged to Kitchener the strained relations that existed between the Turkish authorities and the Sharif. He tried to ascertain the British government's attitude in the event of a conflict breaking out openly between Turks and Arabs. The answer was discouraging; Kitchener said that since England's traditional policy was one of friendship with Turkey, it was not likely that she would intervene. Storrs called on Abdullah at the hotel where the latter in more explicit terms disclosed to Storrs a great deal more than he told Kitchener of the gravity

of the situation. When Abdullah happened to be passing by Cairo on his return home he again interviewed Storrs. These talks revealed to Lord Kitchener the depth of the animosity existing between the Turks and the Arabs. When the war broke out Kitchener was in the British Capital on his way to Egypt; he was recalled to London to occupy the seat of Secretary for War. Sir Ronald returned without his chief. According to instructions he received from the War Office, Storrs was authorized to enquire from Abdullah whether in the event of war with Turkey the Sharif of Mecca would follow Turkey or join Great Britain against her. The reply was that the Sharif expressed his willingness to come to an understanding with England but was unable as yet to depart from the neutrality which his position in Islam bound him to observe. He hinted that he might find it possible to lead his immediate followers to revolt in the event of the Turks bringing matters to head provided England were to promise effective support. Kitchener telegraphed the reply opened with the news of the declaration of war with Turkey and contained a definite promise that if the Sharif and his followers were to side with England against Turkey, the British government would guarantee his retention as Grand Sharif with all the rights and privileges pertaining to the position and would defend him against all external aggression; also she would help the Arabs in general to win their independence. The Sharif would be recognized as the Caliph if he were proclaimed so.

The Sharif's letter to the newly appointed High Commissioner, Sir Henry MacMahon, dated July 14, 1915 stipulated among other things that "England should acknowledge the independence of the Arab countries, bounded on the north by Mersina-Adana up to the 37° of latitude on which degree falls

Berzek, Urfa, Mardin, Midiat, Amadia inland up to the border of Persia, on the east by the borders of Persia up to the Gulf of Basra, on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is, on the west by the Red Sea, the Mediterranean Sea up to Mersina, England to approve of the proclamation of an Arab Khalifate of Islam".

In his reply dated 30th August, 1915, Sir Henry MacMahon tried to evade the main point of the Sharif's note; the High Commissioner abstained from saying either yes or no. He reiterated the general assurances given to the Sharif in Lord Kitchener's name both as regards Arab independence and the Arab Caliphate. But when it came to specifying the meaning of those assurances and defining the area of that Arab independence, the High Commissioner declared that it appeared a waste of time to discuss such things under the stress of war. The Sharif wrote back very promptly on the 9th of September expressing his surprise at the hesitancy with which his proposals for fixing the boundaries of Arab independence had been received and was at pains to explain that those proposals had not originated with himself but had been put forward by "our people" as an essential condition.

The choice before Sir Henry MacMahon was now perfectly clear. After communicating with the home government he was now empowered to despatch in reply to Hussein a note containing the most important part of the whole correspondence. It may perhaps be regarded as the most important international document in the history of the Arab national movement. It contains the pledges which brought the Arabs into the war, openly on the side of the Allies. The note is dated the 24th of October, 1915, and the paragraphs which define the pledge

and its accompanying reservations run as follows:

"The districts of Mersin and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo, cannot be said to be purely Arab and must on that account be excepted from the proposed delimitation.

"Subject to that modification and without prejudice to the treaties concluded between us and certain Arab chiefs, we accept that delimitation.

"As for the regions lying within the proposed frontiers in which Great Britain is free to act without detriment to the interests of her ally France, I am authorized to give you the following pledges on behalf of the government of Great Britain and to reply as follows to your note:

"THAT, SUBJECT TO THE MODIFICATIONS STATED ABOVE, GREAT BRITAIN IS PREPARED TO RECOGNIZE AND UPHOLD THE INDEPENDENCE OF THE ARABS IN ALL THE REGIONS LYING WITHIN THE FRONTIERS PROPOSED BY THE SHARIF OF MECCA."

The contents of this note is very clear and definite, but it has a peculiar importance when referring to Palestine since the British government tried to solve the inconsistency of this pledge and that of the Balfour Declaration by stating that Palestine was excluded by implication, when Sir Henry MacMahon notified the Sharif that portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo. This contention was publicly sponsored by Mr. Winston Churchill in 1922 when speaking as a responsible Secretary of State for the Colonies, he tried to argue that the word districts in that phrase was to be read as equivalent to Vilayets, and that since the "Vilayet of Damascus" included that part of Syria - now known as Transjordan - which lay to

the east of the River Jordan, it followed that that part of Syria - now known as Palestine - which lay to the west of the Jordan was one of the portions of territory reserved in Sir Henry MacMahon's phrase.

But such an argument can be easily refuted. In the first place, the word districts in Sir Henry MacMahon's phrase could not have been intended as the equivalent of Vilayets, because there were no such things as the 'Vilayet of Damascus', the Vilayet of Homs and the Vilayet of Hama. There was one single Vilayet of Syria of which Damascus was the capital, and two smaller administrative divisions of which Homs and Hama were the principal towns. Sir Henry MacMahon's phrase can only make sense if we take his districts as meaning what they correspond, that is to say, the regions adjacent to the four cities and his reservation as applying to that part of Syria - roughly from Sidon to Alexandretta - which lies to the west of the continuous line formed by those four cities and the districts immediately adjoining them. The boundaries of the Arab countries to receive their independence as set out by King Hussein, ran normally, north, south, east and west. The boundary on the west was thus stated "on the west by the Red Sea and the Mediterranean Sea up to Mersina". This was formally accepted by Sir Henry MacMahon, on behalf of the British government with the modifications that he stipulated. The French area, Northern Syria, the northern part of the Mediterranean frontier was excluded, temporarily. No one denies this exclusion. But if the plea of the Colonial Secretary be accepted and Palestine also be excluded, then the whole Mediterranean frontier disappears and since nothing is anywhere mentioned as substituting the lost Palestine boundary, the Arabian state is left with no frontiers from Damascus to the

Red Sea which would have no sense unless Palestine is included in the promised area.

There is no doubt that the Sharif understood that the British government or its High Commissioner meant by the excluded portions "Beirut and its coasts". In his letter to Sir Henry MacMahon he referred to the reservations as generally affecting the Vilayets of Aleppo and Beirut and insisted that both Vilayets and their coasts were purely Arab. In his reply dated December 13, 1915 Sir Henry MacMahon stated that "with regard to the Vilayets of Aleppo and Beirut the Government of Great Britain has taken careful note of your observation". This shows that both parties referred and understood that they meant the same thing. No reference to the 'Vilayet of Damascus' was ever made or to Sanjag of Jerusalem. Dr. Hogarth who was an advisor to Sir Henry MacMahon on the Arab affairs declared in the History of the Peace Conference that the wording of our pledges justified Hussein's interpretation.

And lastly in his memorandum of October 9, 1919 Lord Curzon, addressing Emir Feisal, among other things, on the question of these "portions", referred to them as lying to the west of the Towns of Damascus, Homs, Hama and Aleppo.

So it may be concluded that the British arguments and contentions cannot relieve them from the pledge and word of honour they gave to the Arabs; that there is a breach of faith from the side of the British government is obvious. The Arabs sincerely and loyally associated their cause with that of the Allies, but it was the greedy ambition of expansion which caused the Great Powers to deviate from the promises that they made. To say that Palestine was among the reserved territories is to distort the true facts of the case as

evidenced from the continued refusal of the successive British Governments to publish the contents of the Hussein-MacMahon letters. But this reveals only one side of the case for before the war was over Palestine had been sold twice.

The Sykes-Picot Agreement

The first of those commitments - the Sykes-Picot agreement as it is generally called - was entered into by Great Britain with France and Russia, in the spring of 1916. The French delegate was M. F. George Picot, who had served in Syria as Consul General in Beirut in the years preceding the War. His British colleague was Sir Mark Sykes, who was famous for his studies in Eastern affairs. The two delegates together drew up a scheme for the disposal of those parts of the Ottoman Empire which were wanted by Great Britain and France. They were then instructed to proceed to Petrograd (Leningrad) in order to discuss their proposals with the Russian government. Negotiations were opened there, about the middle of March 1916, culminating in a tripartite treaty for the partition of the Ottoman Empire. As far as the lot of Palestine was concerned it was agreed that Haifa and Acre with a small strip of hinterland were the share of Great Britain, and the rest of what is now known as Palestine was reserved for a special international regime of its own.

The Sykes-Picot agreement is a document not only as regards the fate of Palestine but as to the future Arab State. "It is the product of greed at its worst and reveals the stupidity of its authors", for the inhabitants of Syria and Iraq were politically more developed and mature than their bretheren of the inland regions. Yet the agreement provided

that the greater part of Syria and Iraq might be placed under a regime of direct foreign administration, while the inland regions were to form independent Arab states. But more serious even than those errors of judgement was the breach of faith. The agreement had been negotiated and concluded without the knowledge of the Sharif Hussein and it contained provisions which were in direct conflict with the terms of Anglo-Arab alliance. The Sykes-Picot agreement was not communicated to Hussein because the British realized that if Hussein knew of it, he would unhesitatingly denounce his alliance. But Hussein knew of it after the Brest-Litovsk treaty in 1918 when the Bolsheviks published all secret agreements. It was disclosed by the Turks in order to prove the dishonesty of the British intentions; but Wingate, the new British High Commissioner, conveyed to Hussein a categorical denial of the existence of such a treaty. In the light of the facts, as far as they are now known, the message sent out in the name of Lord Balfour, the then Secretary of State for foreign affairs was a dishonest communication only intended to conceal the true facts as existed at that time.

The Balfour Declaration

Meanwhile, after several months of close negotiations with Jewish leaders in England, the British government had entered into yet another commitment which conflicted with their previous pledges to the Arabs. This was the famous Balfour Declaration which was issued on November 2, 1917.

Shortly after the outbreak of the war, a group of Zionist leaders in England set to work to obtain the sympathy of the government to their cause. Accordingly, Zionist effort in the political field had mainly concentrated on

persuading the rulers of Turkey, by a variety of means, to permit an increased Jewish colonization of Palestine. All their efforts proved to be futile for Abdul-Hamid would not consent to such demands. When the Young Turks gained the day in 1908, they were inclined to listen to Zionist proposals, but they again rejected the Zionist scheme especially after an angry scene in the Ottoman Chamber in the autumn of 1912 when Arab deputies had protested against the acquisition by Jews of a large area of arable land in the Plain of Esdraelon and the threatened dispossession of the Arab peasants.

The center of Zionist activity, at the outbreak of war, was Berlin, but when Turkey joined the Central Powers the Zionists found it expedient to play on the two strings and foster their intimate relation with the Entente Powers.

The Zionists in England were led by a Polish Jew, Dr. Chaim Weizmann. The majority of influential English Jews were opposed to Zionism because of the nationalistic idea inherent in it. Outside the Jewish league, the Zionist Cause had one powerful supporter in C. P. Scott, then editor of the Manchester Guardian, and another in A. J. Balfour, but no others of importance until Mr. Lloyd George, on being approached by Dr. Weizmann became a believer in the movement. It is said that Mr. Herbert (now Lord) Samuel who was a member of the Asquith cabinet approached the prime minister and some of his colleagues with a scheme for settling 4 million Jews in Palestine. But Asquith turned out to be unsympathetic and the effort led to no positive result. It is said that ten years later after Mr. Asquith had visited Palestine he wrote "The talk of making Palestine into a Jewish 'National Home' seems to me as fantastic as it always has done". But two

years later when Mr. Lloyd George had succeeded Asquith as Prime Minister, with Balfour as his Foreign Secretary, negotiations were opened for the first time between the Zionist leaders and an authorized representative of the government. Mr. Lloyd George appointed Sir Mark Sykes to open negotiations with the Zionists.

What were the motives of Mr. Lloyd George in wishing to come to an understanding with the Zionist leaders and what were the considerations which induced the British government to issue the Balfour Declaration? They were very obscure. It is alleged, for instance, that the Jews used their financial and political influence to bring the United States into the war on the side of the Entente and the Balfour Declaration was a reward for actual service rendered; others believe that the promise of Palestine would distract Jewish minds in Germany, Austria and the Ottoman Empire from the cause of the Central Powers to that of the Allies meaning that the Jews domiciling in those territories upon hearing of such a declaration would become British agents; others thought that Russian Zionists would be able to persuade the Russian army to keep the field; others firmly believed that Palestine was promised to the Jews as a reward for Dr. Weizmann's discovery of a substitute for acetone, a chemical element of which the British admiralty was much in need. Such convictions, it is contended, made Lord Balfour ignore all obstacles to such a declaration as meaningless and unimportant.

The Jews were intelligent enough to obtain the consent of the principal allied powers, so that the proposed policy might have an international guarantee. In France after protracted negotiations, the assent of the French government

was secured to the principle of a declaration in favour of Zionism. In the United States, Mr. Justice Brandeis, making a very able use of his influence at the White House, obtained President Wilson's approval. For a time the progress of the negotiations was impeded by a division of opinion among the members of the British cabinet and by the vigorous opposition of Edwin Montagu, the only Jew in the cabinet. There was also a fundamental divergence as to the character of the future Jewish establishment in Palestine. The Zionists were pressing for a statement of policy accepting the principle "of recognizing Palestine as the national home of the Jewish people". The British government, unwilling to commit themselves to such a far-reaching policy, refused to promise anything more than that they would view with favour the establishment in Palestine of a national home for the Jewish people. The difference was one between a limited Jewish national home in Palestine and an unlimited one. In the end the Zionists gave way and the proposed declaration was conveyed in a form of a letter from the secretary of state for foreign affairs, Lord Balfour, to Lord Rothschild, bearing the date of November 2nd, 1917; the text of the declaration ran as follows:

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

In those parts of the Arab world which were in direct touch with the Allies, the Balfour Declaration created

bewilderment and dismay. The news reached Egypt first where it soon provoked a wave of protest on the part of Arab leaders who were in Cairo, and, for a time, the British authorities there, aided by a strict censorship and an active propaganda service, had much to do to allay Arab apprehensions and prevent a collapse of the revolt. In the occupied part of Palestine, the British Command did their best to conceal the news, as though they had a bad conscience about it.

When the news reached King Hussein, he was greatly disturbed and asked for a definition of the meaning and scope of the Declaration. His request was met by the despatch of Commander Hogarth, one of the heads of the Arab Bureau in Cairo, who arrived in Jeddah in the first week of January 1918 and had two interviews with the King. The message which Hogarth had been instructed to deliver had the effect of setting Hussein's mind completely at rest. The message which was given by Commander Hogarth on behalf of the British government was an explicit assurance that Jewish settlement in Palestine would only be allowed in so far as would be consistent with the political and economic freedom of the Arab population⁽²⁾. The message was delivered orally and it represents a fundamental departure from the text of the Balfour Declaration which purports to guarantee only the civil and religious rights of the Arab population. In that difference lay the difference between a peaceful and willing Arab-Jew cooperation or an alternative of hatred, antipathy and antagonism.

Was the Balfour Declaration legitimate in itself? It is obvious that the British government had pledged itself to

[2] Antonius, Arab Awakening, page 258.

recognize the independence of the Arab countries, as witnessed in the Hussein-MacMahon treaty. This agreement was still standing; the Arabs were carrying out their side of it by waging war upon the Turks. Therefore the British government had no right to endorse officially the special action in Palestine of a third party, which did not intend to ask any permission for this special action from the Arabs and so contravened their independence. Therefore the Balfour Declaration, barred by the treaty with King Hussein, and issued without any previous consultation or consent of the Arabs, was illegitimate. Add to this that in international law any treaty or pledge which is inconsistent with a previous other treaty is to be considered from its very start null and void. Now the Balfour Declaration was issued over two years after the pact with King Hussein had been made. It is incompatible with this previous pledge and therefore it is null and void, meaning that it possesses no binding force.

Reference should be made to the letters exchanged between the colonial secretary, Mr. Winston Churchill, and the Arab delegation of 1922 in London. The Arabs reminded Mr. Churchill that there were earlier obligations to the Arab people which had to be fulfilled before any others could have been justly assumed. These pledges were embodied in the Hussein-MacMahon treaty and Article 22 of the Covenant of the League of Nations. As regards the non-fulfillment of the Covenant, Mr. Churchill said that "the position is that His Majesty's government are bound by a pledge which is antecedent to the Covenant of the League of Nations, and they cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the principal Allied Powers". But the

reply of the colonial secretary received a crushing response when the Arab delegation on the 16th of March reminded Mr. Churchill of Article 20 of the Covenant:

"The members of this League severally agree that this Covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof....., it shall be the duty of such members to take immediate steps to procure its release from such obligations."

The Balfour Declaration is incompatible not only with Article 22 of the Covenant but with the whole covenant. It substituted for the independence of Palestine foreseen under Article 22, the erection ⁱⁿ of the National Home. The British government in faithfulness to Article 20 of the Covenant, should have taken "immediate steps to release itself" from the Balfour engagement. (So it was England long before Nazi Germany or any other power, that first contravened the Versailles treaty.)

The Declaration to the Seven

But this was not all, for in the spring of 1918, when the feeling aroused by the appearance of the Balfour Declaration and the disclosure of the Sykes-Picot agreement was shaking the Anglo-Arab alliance, seven Arabs domiciled in Cairo formed themselves into a group for concerted action. They drew up a statement in the form of a memorial to the British government, in which they depicted the situation as it presented itself to them, in both its internal and external aspects, and begged for a clear and comprehensive definition of Great Britain's policy with regard to the future of the Arab countries as a whole. The memorial was handed into the Arab Bureau in Cairo for transmission to London. In the

course of time, on the 16th of June 1918, a reply was returned by the Foreign Office and it proved to be extremely important, both for what it contained and for the effect it had. The Arab leaders present were also informed that a copy of the Declaration to the Seven (as the Foreign Office statement was familiarly named) had been communicated to King Hussein. In so far as it referred to Syria, Palestine and Iraq, the Declaration to the Seven contained two assurances of fundamental importance. One was that Great Britain had been working and would continue to work not only for the liberation of those countries from Turkish rule but also for their freedom and independence. The other was, that England pledged herself to ensure that no regime would be set up in any of them that was not acceptable to their population. The fact that such assurances were given after the disclosure of the Sykes-Picot Agreement and the issue of the Balfour Declaration add greatly to their significance and to the effect they had upon the minds of the Arab leaders.

The Anglo-French Declaration

Further, there appeared a few days before the armistice another declaration, issued jointly by Great Britain and France this time, in which pledges were made to the Arabs in regard to the future of Palestine, Syria and Iraq.

On the 7th of November 1918, an official communique was given out to the press in Palestine, Syria and Iraq by the British military commands in those territories. It contained the text of a statement of policy in which the aims pursued by the French and British Governments in regard to those countries were broadly outlined. The statement announces the identity of the French and British war aims in the East,

which it defines as the complete and final liberation of the populations living under Turkish yoke, and the setting up of national governments chosen by the people themselves in the free exercise of the popular will. It goes on to say that the two Powers were in agreement in their desire to see such governments set up, to assist in their establishment and to grant them recognition as soon as they became established. It ends in a paragraph in which the two Powers stress the purity of their motives and depict themselves as aspiring only to be the disinterested mentors of the future self-determined and self-governing Arab states.

But all these declarations, the one reiterating what the other purported, became valueless and meaningless when the war was won. Treaties could not stand as an obstacle in the face of imperialistic and territorial aggrandizement tendencies. Two forces were at work; the one side, sponsored by President Wilson, was the principle of national self-determination as witnessed in the 12th article of his famous fourteen points and another an imperialistic current demanding the annexation or cession of the territories won and their partition among the victorious states. A compromise was sought and in that compromise the idea of Mandates system won the day.

CHAPTER III

MANDATES AND THE PALESTINE MANDATE.

The Idea of International Mandates

The system of mandates has its origin in the treaties made at the end of the Great War of 1914-1918. During the war the Allied Powers had occupied all the German colonies and overseas possessions in Africa, Asia and Oceania, and also the Arab provinces of the Ottoman Empire. There was, however, great difference of opinion between statesmen and political parties as to their future government. An imperialist party in the allied countries proposed at one time that those colonies should be annexed in the way that the colonies of the defeated power had regularly been annexed after previous wars. On the other hand, allied statesmen had during the struggle made declarations that there should be no annexation of the colonies, and President Wilson had made that one of the fourteen points on which the United States would insist on the terms of peace. The Arab peoples demanded independence, and allied statesmen had entered into undertakings recognizing their right as nations fit for self-determination. The Socialist and Trade Union parties in England, France and Italy demanded the international government both of the German colonies and the countries which had formed part of the Turkish Empire. Lastly, President Wilson demanded that the interest of the peoples should be the primary consideration in the settlement.

The suggestion of the system of government which is known as the International Mandate was seized on as a means of conciliation between these conflicting aims. It was put forward by one of the soldier statesmen at the Peace Conference, General Smuts, premier of the Union of South Africa.

General Smuts sketched the plan of government by a Power acting as the Mandatory or delegate of an international society and subject to the supervision of an international body. The scheme was designed by its author, then, not as a general plan of colonial government but rather as a form of government of young national states. His suggestion was accepted by the representatives of Great Britain and the President of the United States, and applied both to the German colonies and the Arab countries detached from Turkey. The scheme in this application was adopted by the Council of Ten at the Peace Conference, transmitted by them to the Commission which was formulating the Covenant and finally embodied in the Covenant.

The notion of a mandate contains four elements. There are (1) a task to be done, (2) a number of parties responsible for doing it, (3) an agent, the mandatory, to whom the task is assigned, (4) securities for the performance, giving formal shape to his responsibility to them. Here, the task to be done is indicated in Article XIII of the Covenant by the phrases "peoples not yet able to stand by themselves in the strenuous conditions their well-being and development form a sacred trust on civilization tutelage". The detail of this general task differs in the three types of mandate outlined. In the A mandates, the ex-Ottoman territories, their "existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory until such time". In the B mandates there is no further mention of the obligation to bring the peoples eventually to the point of self-government. The duty is to administer under

conditions carefully laid down; freedom of conscience or religion, prohibition of slavery, arms importing, liquors importing, requirement of equal opportunity of trade among signatories. As for the C mandates, it is held to be sufficient if the mandatory administers them as part of his own territory. Here except for the fixed relations of trusteeship and the stipulation contained in the general task of tutelage, the mandates idea merges to coincide with that of a colony.

As to the responsible parties, article XXII does not cite the allied and associated Powers: it speaks of a "sacred trust of civilization" which term seems to take into account much of mankind as being holders of this trust of civilization, be they from the victorious side or belligerents. Then it also uses the phrase on "behalf of the League", a body somewhat narrower than civilization, for it includes only the fifty two nations who were members of the League. So it seems that one is left in some doubt as to the precise identity of the parties supposed to be conferring the mandate. But there it seems more likely that the Great Powers were responsible for elaborating, sponsoring and then conferring the mandate.

As to the mandatory, this charge is to be "entrusted to advanced nations who by reason of their resources - suggesting that the task will call for capital expense, experience, or geographical position, alluding to Japan for being near at hand to the mandated territories - can best undertake and are willing to accept" a possible hint that the business of being a mandatory is not a blessed thing but is rather a liability more than being an asset. So it seems very likely that the composer or composers of this picture were quite

aware of who those well-qualified nations were to be assigned as mandatories.

Then, there are the working guarantees, operative once the mandate is being launched. They are first the annual report which each mandatory must make to the Council, second, a certain organ of civilization applied to this report, namely, a permanent commission "instructed to receive and examine the reports and to advise the council". Thirdly, the mandated territory possesses the right of petitioning against the mandated power, but such reports can only be transmitted to the League via the mandatory.

This is all. Of a supreme authority to dictate or to interfere in administration there is none. The council, having provided the constitution, stands by as a spectator intervening only in rare cases. It makes no statute laws, holds no courts, inflicts no penalties on the mandatory power for the abuse of trust, hears no appeals from the decision of that Power, conducts no investigation, maintains no representatives in the mandated territory other than the mandatory government itself. All that there is to the effective securities - if they are effective - a paper constitution, a paper report, and a commission, which twice a year for two or three weeks, privately sits.

Surely, the League as far as mandatory is concerned was devoid of every agency of control which could impress any disinterested spectator, innocent of all sanctions fit to oblige a misguided or wilful mandatory power to change its policy, unable to dismiss it if it fails, or to tell it when it has succeeded and ought to go. One of the main guarantees goes bodily by the board, since in no case was the choice of the mandatory Power by the people concerned as provided

in the Covenant "a principal consideration" or any kind of consideration in the assignment. Add to this that the reports of this Mandatory Power - Britain, France, Belgium, Japan - are made to whom? To the Council of the League. And who compose the Council? Representatives of these same Powers, with a minor mixture of others. Hence it might appear to every interested being that these advanced nations, making a brave show of responsibility, are in reality reporting their trustee doings to themselves, well assured in advance, therefore, of immunity from control.

Now passing to the essence of the mandates idea as contrasted with that of the colonial. The difference between the two is that in the former the Mandatory Power, which does the administering cannot do as it pleases with the domain, but is responsible to an outside authority and for a defined performance. The Colonial Power is sovereign, legally speaking, in the colony; the Mandatory Power is not sovereign in the mandate. The Colonial Power owns the colony; the Mandatory Power has no property ownership in the mandate. The Colonial Power is traditionally assumed to use the colony for its own benefit; the Mandatory Power must act for the benefit of the mandated region. And because the Power is sovereign and owner, its hold on the colony is presumably permanent; the Mandatory Power has a defined and finishable task, and in the A mandates at least the termination of the task and the withdrawal of the Mandatory Power are expressly foreseen. In these four ways the mandates idea radically departs from the idea of the colony.

But, if the Mandatory Power is not sovereign in the mandate, who is? Is it the Council of the League, or the principal allied and associated powers or "civilization";

the authors of the mandate idea, not being too definite on the point, have left several answers to it.

If one looks to the attributes of sovereignty, as indicated by the capacity to choose the mandatory, or by the capacity to set limits to the authority of an agent or still more in the capacity to change the mandatory Power or to declare a mandate terminated. To each of the above specified alternatives one deduces different sovereign agents. But one may conclude from all this that Article XIII designates for the mandates the moral sovereignty of civilization as a whole and the legal sovereignty of the Council of the League. But for the sovereignty of the Mandatory Power there is no case, even in the C mandates.

One of the outstanding advantages of the mandates system is that the world is kept in touch with the events that occur in the mandated territory through the proceedings of the Permanent Mandates Commission, which has asserted the right to ask questions; its proceedings though held in camera are afterward published. The Assembly of the League gets them and debates on them. They come to the knowledge of the wider world, so far as that wider world takes an interest. The mandatory, then, does not report to itself alone; it reports to the world in general, beginning with an assembly which contains a vigilant and outspoken part of the world. Thus to the security of the Report is added the security of Publicity: Paper and Publicity with a thinking Commission setting between; this is the kernel of the working guarantee that the mandate shall be a mandate. Is this sufficient? The answer will be met by examining the actual goings of the institution in one of the mandated territories, in Palestine.

The Provisions of the Mandate for Palestine

The function of the Mandatory in Palestine is of a special character on account of the inclusion in the mandate of the statement of policy in favour of the establishment in Palestine of a national home for the Jewish people as described in the declaration published on November 2nd, 1917, famous as the Balfour Declaration. The mandate states that the mandatory shall be responsible for putting into effect this Declaration, subject to that condition that nothing shall be done which might prejudice the civil and religious rights of the existing non-Jewish communities in Palestine, or the rights and political status enjoyed by the Jews in any other country. The non-Jewish communities - a rather humiliating phrase was placed to ignore the fact that 90% of the population at that time were Arabs. The pre-amble of the mandate attaches to to the recital of the Declaration the statement that "recognition be given to the historical connection of the Jewish people with Palestine and to the grounds of reconstituting their national home in that country", a curious paradox, as if history entitles England or any other world power to transplant people in foreign countries to the detriment of the inhabitants who were promised independence, but instead are receiving political extinction. This obligation undertaken by the mandatory for Palestine with a view to carrying out the national home policy is inconsistent with those of a mandatory in its capacity as such. In other words, the mandate for Palestine in its present form is incompatible with Article XXIII of the Covenant, because the mandates system as contemplated in that article is instituted in the interests of the actual inhabitants of the mandated territories, while the Palestine

mandate contemplates the interests of a people actually outside the territory. Professor Berriedole Keith⁽¹⁾ also defended that view. He said that "the adoption of the principle of a Jewish national home runs directly counter to the doctrine of the right of each people to self-determination", which is embodied in Article XXII of the Covenant.

Two more points concerning the Palestine mandate are directly inconsistent with Article XXII of the Covenant. The first is that, while paragraph 4 of Article XXII limits the role of the mandatory in the ex-Turkish provinces to "administrative advice and assistance", the Palestine Mandate gives the government of Palestine "full powers of legislation and administration" (Article I), a shocking article for it empowers the executive branch with all legislative powers, which is rather despotic. The other is that the wishes of the Palestine communities have not been "a principal consideration in the selection of the Mandatory", as provided for in Article XXII, paragraph 4.

The Mandate for Palestine has a threefold purpose. In addition to the trust on behalf of civilization, which is deeply concerned with the good government of the country that contains the Holy Places of three great religions, and to the trust on behalf of the inhabitants of the country which is common to all mandates, the Mandatory is under a trust to bring about the continual and gradual realization to enable a new national life to be established in Palestine by the side of the national life existing of the older inhabitants.

(1) The Mandate for Palestine, Stoyanovsky, Page 43.

The National Home Articles

A new development in International Law is the concern with nationalities which are not states, as well as with nations which form political states. The development is manifested partly in the provisions for the protection of minorities in the European states, and partly in the system of mandates. The connection of International Law with territorial units remains, but the law looks to the rights of different nationalities within the territory. The Palestine Mandate recognizes the historical connection of the Jewish people with the territory as giving a national right (an innovation and an anomaly) to which the Mandatory in the first place and the League of Nations ultimately has pledged itself to give effect. It is the application in law of the idea that "memory also gives a right" which is rather absurd and has no meaning. Another new conception in International Law which is only illustrated in the Mandate for Palestine, and is consequent upon the recognition of a Jewish nationality as a subject of the Law, is that of a national home.

In the Mandate for Palestine the special trust for the Jewish National Home is applied in a number of articles, which provide on the one hand for action by the Mandatory to carry out the policy and on the other the Mandatory to be assisted and advised in these actions by a Jewish public body, known as the Jewish Agency, which is to be recognized by the Mandatory and to cooperate with it in bringing about the settlement of the Jewish people. Article 2 of the Mandate lays down that the Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the

Jewish National Home. A very plain and clear article, it paves the way and facilitates the realization of the Balfour Declaration.

Article 4 of the Mandate declares that an appropriate Jewish agency shall be recognized as a public body for the purpose of advising and cooperating with the administration of Palestine to assist and take part in the development of the country". A Jewish agency was recognized by the government as representing Jewish interest, while nowhere in the mandate is there a hint of an Arab public body to supervise the interest of the greater majority of the population.

Article 6 stipulates that the administration of Palestine shall facilitate Jewish immigration and encourage in cooperation with the Jewish agency closer settlement by Jews on the land. This article is mainly responsible for the increase of the Jewish population from being 10 percent of the total inhabitants of Palestine to 35 percent; it is mainly responsible for ousting Arab proprietors and dispossessing peasants from the lands which they held centuries ago.

Article 7 recites, that there shall be included in the Nationality Law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up permanent residence in Palestine. Article 11, declares that the administration shall introduce a land system appropriate to the needs of the country and having regard to desirability of promoting closer settlement. Article 22 provides that English, Arabic and Hebrew shall be the official languages of the country. And the last article containing provisions for Jewish National Home policy is the 23rd article which

provides that the administration shall recognize the holy days of the respective communities as legal days of rest for their members.

All these obligations of the Mandatory towards the establishment of a National Home were fulfilled. Beginning first with the Jewish Agency. As early as 1919 the Zionist organization was invested with the capacity to speak on behalf of Jewish aspirations in Palestine before the Paris Peace Conference and such recognition has again, though conditionally, been extended to it under the provisions of the mandate. It may however, be pointed out that it is the Jewish people as a whole and not Zionists as such that has been recognized as possessing the right to a national home in Palestine, and which is consequently to be represented by the Jewish Agency. The following resolution has therefore been adopted by the Executive organization and subsequently endorsed by the 13th Zionist Congress in August 1923:

"That negotiations be opened with the representatives of leading Jewish communities and organizations with a view to providing for the participation of those bodies in the Jewish Agency and to devising the most appropriate methods of constituting the Agency". The enlargement of the Zionist organization into a cosmopolitan Jewish agency more fully representative of the Jewish people was accomplished at Zurich in August 1929. As to immigration, from the wording of the article it may be realized that the obligation assumed by the Mandatory with regard to this aspect is two-fold. On the one hand as has been stated by the British government "if a national home for the Jewish people is to be established in Palestine, there must be reasonable facilities for the admission of Jewish settlers"; on the other hand, the proper regulation of im-

migration and its correlation to the economic capacity of the country to absorb new inhabitants, are matters of vital concern to the people of Palestine as a whole. The problem of immigration became closely connected with outbreaks that occurred in Palestine since 1920. Political self-preservation instead of national self-determination became the motto for the Arab leaders.

In addition to the above-quoted provision of article 6 of the mandate with regard to close settlement by Jews on the land, article 11 provides that the administration of Palestine shall introduce a land system appropriate to the needs of the country, having regards among other things to the desirability of promoting close settlement and intensive cultivation of the land. The mandate for Palestine is the only one of the A category to provide for matters such as land system and settlement. This is analogous to the land policy of various powers in their African colonies which has been largely dominated by the interests of the "white settler" mainly their own nationals. Palestine has become a territory of future colonization, with the difference however that it is not to be colonized with the nationals of the administering power or in their more or less exclusive interest, but for the welfare of foreign people who for claims of "historical connection" are returning to Palestine. In Palestine the Mandatory is to see that the two elements of the population under his trust - the local inhabitants in whose actual possession the land is now to be found and the Jewish immigrants who are to settle on the land - are given equal guarantee and protection by the regime in force. The Mandatory was to coordinate in his

land legislation these two sets of interests, which are rather inconsistent and contrary to one another, for how can the Mandatory facilitate Jewish immigrants to settle on lands that belong to the local inhabitants, which in the long run will lead to dispossessing these inhabitants and claim that the administration is protecting and guaranteeing their possessions. It is true that the Palestine government has promulgated from the start an ordinance dealing with the transfer of land, which provided that in case of alienation of agricultural land, the tenant in occupation shall retain sufficient land for the maintenance of himself and his family. But to allow the tenant to live on subsistence standards is not sufficient and in many cases the law was abused. Large fertile stretches of land were alienated to the Jews, mainly by absentee landlords from Lebanon and Syria who cared in the least for the political welfare of Palestine or for the interest of the tenants and whose minds were held astray by the high prices offered to them by the Jews.

Nor was this all for article 11 of the Mandate stipulated on the question of public works and concessions that due preference should be given to the Jews; the second part of it runs as follows: "The administration may arrange with the Jewish agency mentioned in article 4, to construct or operate upon fair and equitable terms any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the administration". This article is directly connected with the provisions of the mandate as regards the national home policy. All concessions and undertakings which turn out great profits were allotted to

Jewish contractors; public roads, government buildings were being erected by Jewish workers selected by the Jewish Agency. An interesting concession is that of Rutenburg with a capital of one million sterling, this raised a claim of a Greek citizen, M. Mavrommatis, who made a previous commitment with the Turkish government in Palestine and who brought his case, by the action of his government to the Permanent Court of International Justice. The court's verdict was in favour of M. Mavrommatis in the Jaffa concession while in that of Jerusalem the court's award was favourable to the government of Palestine. Still another concession granted to the Jews is the Potash extraction from the Dead Sea. In all such profitable undertakings the Jews were given a favourable position.

In the meantime a nationality law for Palestine was promulgated in 1925. All Ottoman subjects who were residing in Palestine at the date of promulgation became Palestinian citizens. But this was not the main reason for the enactment of the nationality law. The mandate for Palestine is peculiar in that it is the only one which contains a special provision with regard to the nationality of the inhabitants. One seems, therefore to be justified in thinking that the object of the above special provision in the Palestine mandate was not so much to secure the enacting of the local nationality law - this would have to be done in any case, as in the other mandated territories - but to ensure the inclusion in this law of special provisions in order to facilitate the acquisition of Palestinian citizenship, by Jews who take up their permanent residence in Palestine. Were it not for this cause no provisions concerning nationality would have been inserted in the Palestine mandate, any

more than in the mandate for Syria and the draft mandate for Mesopotamia. The Jews were to acquire Palestinian citizenship by the process of naturalization, if they reside in Palestine for a period not less than two years, are of good character and have an adequate knowledge of either the English, the Arabic or the Hebrew language and intend to reside in Palestine. Many a time Jews entered Palestine for a temporary period, as tourists and refused to quit when their visas expired, the government in such cases granted those aliens the Palestinian citizenship. The term 'facilities' used in its wording with regard to naturalization of Jews could never have meant that upon their arrival Jewish immigrants shall automatically become Palestinian citizens. But in reality this was the true facts of the case for the problem to the Jews was to acquire entrance visas to Palestine and once they succeed in this, to obtain Palestinian status is of subsidiary importance for them.

As far back as 1920 Hebrew was recognized as an official language of the country and any ordinance promulgated in either the Arabic or English languages must be translated officially to the Hebrew language. The administration also recognized Saturdays as holy days of the Jewish communities as legal days for rest. The establishment of a Jewish National Home completes one aspect of the Palestine Mandate the other is to be found in the obligations towards the territory and its inhabitants.

Obligations to the Real Inhabitants of the Country

The provision for the establishment of the Jewish National Home has fundamentally affected the powers given to the Mandatory in relation to the government of Palestine. The

Mandatory receives full powers of legislation and administration save as provided in the Mandate. This is the normal provision in what are called the B and C Mandates and differs from the principle of the Mandates for Syria and Iraq, in which the Mandatory was directed to draw up in consultation with representatives of the people, an organic law providing for self-government. In Palestine there is no such obligation; but the Mandatory is directed to place the country under such conditions as will secure the development of self-governing institutions and to encourage local autonomy. On account of the peculiar responsibility there could not be at once the institution of self-government: for such action would impede the establishment of the National Home; but the process was to be developed by stages. It was very obvious that the Mandatory should retain at the outset full powers of legislation and administration, since it was to be expected that the majority of the existing population would abstain from giving effect to the obligations assumed by the Mandatory towards the minority. The principle of self-determination had to be annulled in Palestine because of the two national selves existing - the one inhabiting the country and to the other the way was being paved for his arrival - so that the former could not be allowed to preclude the fulfilment of the Mandate in relation to the minority Jewish immigration. Palestine was designed to be a binational country in which the minority were to cooperate with the administration to the detriment of the Arab majority.

In pursuance of its powers of legislation and administration the Mandatory issued a constitutional instrument in 1922, after the Mandate had been approved by the Council of the League of Nations, but before it had come actually into

force. The constitution was embodied in an order in council. That form of legislation is regularly used by the British Government for the establishment of its jurisdiction in foreign countries where it exercises powers by treaty, capitulations or custom. The order is issued by His Majesty in his Privy Council in vertue of powers given by the Foreign Jurisdiction Act of 1890 and has the same authority as the Act of Parliament.

The Palestine order in council defines the functions of the Executives, the Legislative and the Judiciary. The head of the Executive is the High Commissioner who is assisted by an Executive Council, which has hitherto been composed exclusively of British officials. He makes all appointments of public officers, and those officers hold office at his pleasure. In regard to property of the state he is treated as trustee for the people. All rights in relation to public lands, that is the state lands of the country are vested in him and may be exercised by him in trust for the government of Palestine. Similarly all mines and minerals are vested in him subject to the like trust.

With regard to the Legislature, the order provided for the establishment of a Legislative Council, by which legislation shall be passed, subject to a power reserved to the Mandatory to enact any laws necessary. Several of the fundamental laws of the country have been introduced by direct legislation of an order in council e.g. the citizenship law and the currency law. It was expressly specified that no ordinance should be enacted which should be in any way repugnant to or inconsistent with the provisions of the Mandate and further no ordinance concerning matters dealt with

by the provisions of the Mandate should be enacted till it had been approved by the secretary of state for the colonies in England.

The section of the constitution dealing with the judiciary contains several special provisions designed to give effect to Article 9 of the mandate. The article directs "(a) that the judicial system shall assure to foreigners as well as to natives, a complete guarantee of their rights and (b) that respect for the personal status of various peoples and communities and for their religious interest shall be fully guaranteed". The order prescribes that jurisdiction in matters of personal status shall be exercised by the courts of the Moslem, Christians and Jewish communities that enjoyed such jurisdiction under the Ottomand regime. The Turks applied the principle in matters of family law of "laissez juges", and allowed Christian and Jews to regulate their family relations by their religious laws. However, in certain of the religious matters, jurisdiction for Christians and Jews is concurrent with that which is exercised by the Civil Courts, which are now Courts of General Jurisdiction. Foreigners are subject to the jurisdiction of the ordinary courts and all special rights of process and trial that were based on the capitulations were abolished. At the same time in order to give assurance of equal justice to foreigners, it is prescribed that they may claim trial in minor criminal cases by British magistrates, by a court containing at least one British judge in more serious criminal and civil cases and by a court with a British majority in the hearing of appeals by the Supreme Court. In suits of personal status affecting them they are tried by a British judge who may invite the Consul of the state to which the foreigner belongs

to sit as an assessor for the purpose of advising him upon the personal law concerned, which is normally the national law of the foreigner.

The government of Palestine has given effect, in administrative as well as judicial organization to the provisions in the Mandate enjoining the mandatory to guarantee respect for the personal status of the various peoples and communities and for their religious interests. For the Moslems, a supreme council has been established composed of five members elected by male Moslem adults. The council has control over the Moslem Religious Courts and also over all Moslem charitable endowments known as wakf. For other sections of the people, a Palestine ordinance gives powers to any religious community to apply to the government for the regulation of its organization and the High Commissioner may thereupon provide for the Constitution of Religious Councils. The Council has juristic personality, and may be granted a power to impose on members of the community for communal purposes contributions or fees, which are recoverable in the same way as municipal taxes. In accordance with this law the Jewish community has been organized with religious and lay bodies and the elected assembly of the community has received power to impose rates and fees to be applied to the purposes of the community. At the same time, in order to safeguard freedom of conscience, any individual Jew or any congregation of Jews may separate itself from the organized community and is then not subject to its jurisdiction.

The obligation of the Mandatory to safeguard the territorial integrity of Palestine is provided for in Article 5 of the Mandate, which reads as follows: "The Mandatory shall be responsible for seeing that no Palestine territory

shall be ceded or leased to, or in any way placed under the control of, the government of any foreign power".

Similar provisions are to be found in the Mandate for Syria (Article 4) and in the final draft mandate for Mesopotamia. The respective boundaries of these territories have been defined in the Mandates themselves, any acquisition or cession of territory would involve the revision of the text of the mandate concerned and this would automatically cause the intervention of the Council of the League. The fact that the Mandatory alone is directly responsible for the territorial integrity and defence of the area under his mandate does not necessarily mean that the only military forces in the area are to be his own, article 17 paragraph 1 of the mandate provides that "the administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order and also for the defence of the country, subject however to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes no military, naval or air forces shall be raised or maintained by the administration of Palestine." This provision is based upon one of the fundamental principles laid down in the mandates system, namely that the Mandatory has no right to use the native forces of the territory under his mandate for purposes other than the defence of, or the preservation and public order in, the territory. The Mandatory, like the trustee may derive from the mandate no direct benefit for himself, be it military, financial or any other.

There is no general provision in the mandate laying down the principles upon which the Mandatory should base his

financial policy in Palestine. It seems, therefore, to be his duty to apply to the special case of Palestine the general rules which have been recognized as inherent parts of the mandates system as a whole and which the various Mandatories have carried into effect in the territories respectively entrusted to them. The guiding principle underlying those rules is that the financial policy of the Mandatory is to be framed in such a way as to enable the territory under his mandate gradually to progress to financial independence. No country indeed, can ever be or become politically independent unless it has previously achieved financial independence, and as the ultimate aim of the mandates system is to enable mandated territories "to stand alone" the only financial policy for the Mandatory to pursue is the one that leads towards that end, or at least does not prevent it from being attained. This principle is especially emphasized in the case of the territories under A mandates, with regard to which it seems to have been the definite intention of the framers of Article XXII of the Covenant that the mandate period should be the shortest.

Articles Relating to Safeguard the Holy Places

There are certain articles in the Mandate for Palestine peculiar to the special conditions of the country which are not however concerned with the Jewish National Home. They are due to the presence in Palestine of the Holy Places of the three great religions of the Western World, Christianity, Judaism and Islam, and the veneration which is felt by adherents of those three religions for the Holy Land. Article 13 of the Mandate provides that all responsibility in connection with the Holy Places and religious buildings or sites including that of preserving existing rights and of securing

free access to such places is assumed by the Mandatory who will be responsible to the League of Nations in all matters therewith. Article 14 prescribes that a special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and functions of the Commission are to be submitted to the Council of the League for its approval; and the Commission is not to enter upon its functions without the like approval. Various proposals have been submitted to the Council of the League for the composition and functions of a commission, but they have been abortive. It has been impossible to obtain any agreement of all the Powers as to the constitution of a Commission. The Mandatory observed the policy of maintaining the status quo in regard to the Holy Places. But after the disturbances of the latter part of 1928 and 1929 caused by the wailing wall incident, the Mandatory found that it was extremely expedient that an international commission should be appointed by the League in order to define the rights of each of the different religious communities to the Holy Places in Palestine. Such a Commission was appointed in 1930; it proceeded to Palestine and submitted a report to the Council of the League of Nations, recommending in it the preservation of the status quo policy, that is the policy pursued by the Ottoman Turks with regard to the Holy Places.

The paramount importance of the question concerning the Holy Places in Palestine is indicated by a clause in the Mandate which prescribes that in the event of the termination of the authority conferred upon the Mandatory, the Council of

the League shall make arrangements for safeguarding in perpetuity, under guarantee of the League, the rights secured by the articles dealing with those matters. In other words, the guardianship and custody of the Holy Places will remain under International Control even if the Mandate is terminated.

One provision common to the Mandates of Palestine, Iraq and Syria deals with the archeological interest. The principles of a Law of Antiquities to be enacted for the Mandated territories are laid down specifically, the governing idea being that the law shall ensure equality of treatment in the matter of excavations and archeological research to the nationals of all members of the League of Nations. The international conscience has already been engaged in most states in respect of matters of health, sanitation, traffic in drugs and literary and industrial property. In the mandated territories it is now engaged for matters of intellectual and educational concern.

Termination of the Mandate

The Mandate makes provisions for two matters when the authority of the Mandatory is terminated. In the first place, it stipulates for the restoration of the capitulatory system in its entirety, or with such modifications as may have been agreed upon between the Powers, unless these Powers have previously renounced the rights of their reestablishment. There is a certain inconsistency in this provision with the general principles of the Mandatory system. Palestine is entrusted to the guardianship of the Mandatory until such time as its people are able to stand alone as an independent, self-governing nation. It is anomalous that, upon being recognized as able to stand alone, the country should

be subjected to a regime which implies incapacity so far as the administration of justice is concerned, but this article is not the only anomaly in the Palestine Mandate, for the whole policy inherent in the Balfour Declaration and the articles of the Mandate embodying this Declaration are anomalous in so far as it is a novelty in the history of mankind.

In the second place, the Mandate stipulates that the Council of the League shall use its influence for securing under guarantee of the League, that the Mandatory will honour the financial obligations incurred by the administration of Palestine during the Period of the Mandate. That clause was inserted in order to give stability to the financial policy of the country. The Mandatory has, in fact, guaranteed a loan for the development of the country which is primarily secured on the revenues of Palestine. The Mandatory could not be expected to incur financial obligations, for example, by guaranteeing a national loan of the kind, unless there was some assurance that in case its Mandate was terminated, the independent government of the country which succeeded it would succeed also to the financial obligations and could be made to honour those obligations.

The principle of this clause of the Mandate has been adopted in respect of all mandates. The Council of the League by a resolution, has declared that in the event of the cessation of the Mandate or its transfer to another Power, the Council will not give its approval of the change unless it has been assured that the new government will accept responsibility for the fulfillment of the financial obligations regularly assumed by the former Mandatory Power.

Although-in theory at least - the League of Nations is still existing, the Mandatory Power is relieved temporarily

from transmitting Annual Reports to the Council of the League. The fate of the Palestine Mandate is closely connected with resuscitating a kind of International Organization in the Post-war period.

CHAPTER IV
ORGANIZATION OF THE GOVERNMENT
OF PALESTINE.

The Military Administration

The Military Administration during the spring and summers of 1918 organized the government of the occupied territory known as Occupied Enemy Territory administration south. It restored the essential services, subject to the limitation imposed by the Laws of War on Military Occupants, beginning the work of reconstruction and reform. General Sir Arthur Money, who had been Chief of Staff of General Maude in Mesopotamia Campaign, was appointed as Chief Administrator. He established Departments of Finance, Law and Justice, Health, Agriculture and after a time of Education and Public Works. The Military Administration were not entitled to change the system of taxation of the country; but they did achieve, at least the improvement of abolishing corruption in the collection of tithe and land tax and the other Turkish imposts. The Military Administration substituted direct collection for the Ottoman system of farming taxes.

In the sphere of justice greater changes were possible. In place of the Turkish system of numerous courts with numbers of ill-paid judges who could only maintain themselves by illegitimate means, there were established a limited number of Magistrates courts with local judges, receiving a reasonable salary. A few higher courts which were presided over by British Legal Officers and one Court of Appeal which was likewise presided over by a British judge were erected. The religious courts which, under the Ottoman principle of "Laissez-juges", dealt with matters of personal status according to the laws of the different religious com-

munities, were maintained, but the privileges of the Consular jurisdiction which had been enjoyed by foreign subjects in virtue of the capitulations were not restored. The Ottoman government had declared the Capitulations abolished at the outbreak of the War, and the Military Administration was enabled to reap the benefit of this unilateral denunciation of the old treaties. At the same time, the need of providing for the trial by British judges of cases in which foreign subjects were concerned was recognized.

The administration was able immediately to work out substantial improvement in the health and sanitation of the occupied parts of Palestine. In the interests of the troops, as well as of the inhabitants, a proper system of scavenging was introduced into towns; a pipe water supply to Jerusalem was laid by the Royal engineers from the springs of Arrub; hospitals and clinics with modern equipment were opened there, and in Jaffa, Hebron and the smaller towns. The administration was assisted in coping with the disease and destitution, which were rampant amongst the inhabitants, by the services of three voluntary agencies, the American Red Cross, the Haddassah Zionist Organization of America, and the English Syria and Palestine Relief Committees. Veterinary provision was made for the elimination of cattle disease, which was prevalent. The establishment of this service consisted of an officer of the Army Veterinary Department with a staff of five Veterinary Inspectors. Quarantine Posts and Veterinary Infirmaries were opened.

In public works, expenditure on works was confined to the maintenance of necessary roads and building. Only essential roads were maintained. Expenditure on education was confined

to the continuance under more efficient administration of the provision made by the Turks before the War, the management of the schools being relegated to the Local Educational Committees. Many of the Mission schools, including certain denominational technical schools provided by the Catholic monastic communities, were reopened.

The Police were reorganized, the number being reduced from 1,273 to 1,110 of all rank. An endeavour was made to improve the quality of the regular police and to resuscitate, so far as possible, the old oriental system of local responsibility for watch and ward, with a small, highly trained force in reserve.

All these departments created by the Military Administration were presided over by British officers recruited from the Army. The Heads of the Departments were acting under a Chief Administrator who received his orders from the Commander in Chief (General Allenby) through the General Officer Commanding. There were 13 Military Governors of Districts, reduced in 1919 to 10, with 59 military officers as assistants, all responsible in person towards the Chief Administrator. The Military Administration in the O.E.T.A. south was highly centralized. All powers were concentrated in the hands of the Commander in Chief and after him in the Military hierarchy.

The notable features of the Military Administration were first the direct rule by British officers, though in 1919, seventeen "Arab officers" were appointed; Secondly, the regard paid to the claims made on the administration by religious bodies. The Shari'a courts continued to function, the judges being appointed by the Senior Judicial Officer after consultation with a committee consisting of Moslem members of the Court of Appeal and the Inspector of the Shari'a Courts. The

needs of the Awkaf were satisfied, administration of the funds being left to a Waqf Council with a Director General of Awkaf, in place of the former Ministry of Awkaf at Constantinople. A British officer was present at all their meetings and their accounts were audited by the administration. Thirdly, the Turkish system where the village Mukhtar as the liaison officer between the rural population and the Governors of Districts were continued. Wherever possible the various Committees which had been constituted under Turkish rule were encouraged to function. Fourthly, as a general rule Municipal Councils continued in office.

On the whole, this system of temporary government by the Military authorities worked well. There was, however, one disturbing factor, the visit and attitude of the Zionist Commission. The arrival in Palestine of a commission authorized by the British Government to travel, investigate and report on the prospects of a National Home, as well as "to help in establishing friendly relations with the Arabs and other non-Jewish Communities" aroused the Arabs to the realities of the situation. Some of the British civil servants in Palestine became convinced of the justice of the Arab Case, were forced into the position of partisans to represent the Arab Cause. There was at the time no one else who could represent their case, while the Zionist Commission was touring the country. The Arabs were convinced that they had been betrayed. The Jews in 1920 regarded the Military Administration as "Anti-Zionist and perhaps Anti-Jewish" This was destined to accentuate the antipathy between the Arabs and the Jews and indicate that the cooperation between the two races in the administration of the country would be difficult to secure for some years to come.

The Civil Administration 1920-42.

The Military Administration witnessed during the last three months of its existence the first outbreak. Its successor, was handicapped from the start, by the general uncertainty as to the future of Palestine. It was not till two years later that the Palestine Order in Council 1922 prescribed the composition and organization of the government. While the Mandate was being drafted, the new civil administration of 1920 decided to anticipate and adopt the principles which were later enunciated in 1922. A few framework of government had to be constructed; it was found necessary to introduce new laws and regulations and it was announced, "As the preliminary work is completed and as Palestinians possessing the necessary qualities can be chosen and trained for administrative work, it is intended to reduce the number of British and to raise the number of Palestinian officials". This process began with the introduction of the new regime. It was hoped that a training would be provided towards Palestinian self-government and the effective cooperation between the two races would arise. But the years to come have proved the fallacy of this policy, for it was found difficult for Arabs to work under Jewish or Jews to work under Arab superiors.

The Government of Palestine, as of most countries, is divided between central and local authorities. In its central aspect it is a benevolent autocracy. In its local aspect it includes representative and self-governing bodies subject to a certain control and supervision, and agents of the central authority.

The Central Government

At the head of the central government is the High Commissioner who, in the absence of any representative body, is a supreme autocrat, subject only to the instructions of the Mandate, the

Order in Council and the Secretary of State for the Colonies. He is required by the constitutional instrument to consult with the Executive Council in all important matters of policy. Since the establishment of the civil administration in 1922 the Council has been a small body of three members, the Chief Secretary, the Attorney General and the Treasurer. It meets normally once a week, but may be summoned whenever the High Commissioner has any urgent matter to lay before it; and in times of difficulty it meets daily. It is more than a cabinet; for, besides questions of general policy it has on the one hand, to pass on larger administrative questions, and on the other hand to consider regulations made under different laws and ordinances of the government, the grant of pensions and gratuities to officers leaving the service, the confirmation or commutation of death sentences and other matters which are more formal. The High Commissioner, or the officer administering the government, regularly presides and the Council is in fact, as well as in form, advisory

The High Commissioner is the highest executive officer and not merely the titular head; he may act on or disregard the advice of his councilors. If the members of the Council are unanimous in an opinion which he does not accept, he must submit a statement of his reasons to the Secretary of State. The minutes of the meetings of the Council are submitted to the Secretary of State for Colonies, but the proceedings are confidential. Every member of the Council, or officer temporarily acting in his place, takes an oath of secrecy.

The Chief Secretary is the main link between the High Commissioner and the different departments of government. It has been said of his office by a recent author on colonial administration, Sir Anton Bertram: "He is responsible for the general

supervision of all departments, coordinating their work, recommending to government the acceptance or rejection of their proposals and defending their approved policy in Council. He is like a minister in charge of all departments. Moreover, in the absence of the High Commissioner on leave, which has occurred nearly every year, he has to take his place and administer the government.

The Chief Secretary must be in close personal touch with the district administration, since he must advise the High Commissioner in the important branch of government, the relation to the inhabitants and the communities of the country. His office is the nerve center of administration. As it has been put by another administrative authority on colonial administration: "The task of the administrative branch - which in Palestine is centered in the secretariat - is to foster that sympathy, mutual understanding and cooperation between the government and the people without which no government is really stable and efficient. The task of the departments, on the other hand, is to maintain the government in a state of efficiency and to afford direct assistance in material development. Their motto is efficiency and economy. The two branches work together, and their duties overlap and are interdependent in every sphere."⁽¹⁾

In Palestine this aspect of the Chief Secretary's functions is inevitably dominated by the burden of maintaining an equilibrium between Arabs and Jews. In administering the policy laid down by the Mandate the Government of Palestine has to be scrupulously just towards all sections of the inhabitants. The government has to be strictly impartial in its administration, for any administrative act may be interpreted by any side as political. The government is therefore continually under crossfire.

(1) Bentwich: England in Palestine. Page 247.

The second member of the Executive Council is the Attorney General. The office was substituted in 1922 for that of the legal secretary, which in turn had taken the place of the Senior Judicial Officer of the Military Administration. The Attorney General is the legal advisor of the High Commissioner and of every department of the government. He is the draftsman who is responsible for the preparation of the ordinance and regulations of government; and in addition the chief law officer and government representative in the courts. He supervises all criminal prosecutions and exercises powers of referring back cases to the magistrates for further investigation and of staying proceedings. He appears on behalf of the government in civil cases and in applications to the High Court against public officers. All criminal prosecutions and civil cases in which the government is a party are brought in his name. He is assisted by a Solicitor-General and a government advocate, the latter, first to hold the post, being an Arab resigned after the Royal Commission's recommendations that it should be held by an Englishman. There are also several Palestinian Junior Government advocates who conduct the more serious criminal cases and represent the Attorney General in civil cases.

The office of Treasurer was instituted in 1922. In the first two years of Sir Herbert Samuel's administration there was a Financial Secretary who supervised the Treasury and Revenue Department. Recently in 1940 a Financial Secretary assumed the functions of the Treasurer. The Treasurer conducts the finances of the state. He annually prepares and balances the budget. In the first years of the administration the government paid the Palestine share in the Ottoman Debt. Apart from Customs and Excise, the Revenue of the government is derived principally from the tithe of agricultural produce, now commuted to

a fixed payment based on the average tithe of four years, the land tax on agricultural land, which is at the rate of 4 per thousand of the assessed capital value of the land, and the urban property tax on land and buildings in urban areas at the rate of 8% of the net annual value. In addition the government levies stamp duties, licence fees and court fees with a tax on livestock. Recently in 1941 a direct tax, the income tax, was introduced in Palestine. The British Treasury has not been generous to the mandated territory and the idea of a section of the English press, that Palestine is or has been in recent years a heavy burden on the British taxpayer is mythical.

The Treasury has been responsible for the introduction of the Palestine currency which is directly controlled by a Currency Board in England. The Treasurer is the Palestinian representative of the Board. He successfully carried out the operations of redeeming the Egyptian Currency formerly in use and replacing it by notes and silver coins of Palestine.

Government Departments

Turning now to the Departments of the Government, the foremost place is taken by the Department of Police. The maintenance of order in a country where feud, antipathy and racial hatred exist is a difficult and costly task. The Police Department is responsible for the expenditure of one third of the revenue of the country. There have been several changes of policy in the organization of the force. After the riots of 1921 it was divided into a civil police and two sections of gendarmerie organized on a semi-military basis, one composed of British constables and the other of Palestinian Arabs and Jews. But these latter forces were disbanded by Lord Plumer. After the riots of 1929 the British section of the police was greatly strengthened, and it now comprises nearly seven hundred men distributed in various parts

of the country. Due to the recommendation of the Royal Commission, the Intelligence Service section was enlarged and formed a separate section in the Police Department. The Police Department is responsible also for the prisons. There are lockups in all towns and two central jails, one in Jerusalem and the other in Acre.

The Police Department has for some years comprised a section entitled Immigration and Travel, which is concerned not only with those matters but also with matters of labour and naturalization. It was thought that it would be administratively convenient to subordinate the section to the Department which has to carry out the inquisitorial examination held to be necessary for applicants, either for admission to Palestine, for travel documents from Palestine or for citizenship in Palestine. But the system did not work well. The report of Sir John Hope Simpson advised a severance and the reestablishment of an independent Department of Immigration. The government endorsed Sir John's recommendations and a separate Department of Immigration was created.

Next in importance to the Department of Police stands the Department of Health. The Department includes seventy four medical officers of health distributed through the country, who are supervised by five British principal medical officers. The government doctors are responsible for public sanitation as well as medical work. In addition, the Department maintains entirely two hospitals and provides medical care and nursing in five municipal hospitals and a number of dispensaries. At the beginning of the administration most of the population were infested with all kinds of disease, but thanks to the remarkable achievement of the Department, the country was purified. The Jewish Agencies direct a voluntary health work, the Hadassa established by the

Zionist Women of America and the "Kupat Holim", or sick fund established by the working men's organization on the basis of Mutual Insurance.

Another Department closely concerned with the life of the people is that of Agriculture and Forests. Palestine has been, is, and will be primarily an agricultural country. The activities of this Department are varied: the assistance of agriculture pure and simple, afforestation, veterinary service, the maintenance of a stud farm and experimental stations, fisheries. In 1932 the government created a special Department of Forests and Fisheries in order that the Department of Agriculture may give full time to the agricultural needs of the country. The problem of agriculture in Palestine has been reduced to one single formula, more soil in the hills, more water in the plains and the solution is to be found largely in planting trees. The Department has opened two agricultural colleges, one for Arabs, another for Jews, from the money provided by the legacy of an Eastern Jew, Sir Ellis Kadorie, who left a share of his fortune to the British Government for building schools in Palestine and Iraq. The Arab school at Tulkarem, was opened to pupils at the beginning of 1931.

The Education Department of the Government has hitherto not been in a position to provide vocational training, save for the profession of teaching. There is no aspect of the administration in which the Arabs take greater interest. They are genuinely eager for the education of their children, both boys and girls, and the Arab leaders demand compulsory elementary teachings. In spite of all this there are not enough schools that can maintain all students who are of school age. Each year the Department of Education absorbs only fifty percent of the applicants,

precluding the rest from receiving full elementary training. The Jewish population has indeed, attained primary education for all its children on a voluntary basis. Apart from schools maintained by religious sections and foreign associations, the Jewish community has a public educational system which provides for over 20,000 pupils and comprises 84 kindergartens, 95 elementary schools, 3 secondary schools, 4 teachers colleges, a polytechnic institute with the Hebrew University. The funds of these institutions are met partly from the local population, partly from the Jewish National bodies, with a subvention from the government of Palestine. The function of the Department in relation to Jewish and Missionary schools is inspection and supervision. But for the Arabs the government provides most of the schooling. In some of the towns educational committees have survived from the Turkish time which own school buildings and the government in these cases supplies the teacher, lays down the curriculum and carries out inspection. In the villages also the Department recruits and pays the teachers on condition that the local body provides and maintains the buildings.

Another cultural department which has peculiar importance in Palestine deals with antiquities. Expeditions come from many countries to throw light on history in the Holy Land. The government is not called on to play a principal part in the work of excavation and archeological research, but it is mainly concerned to preserve unimpaired the existing opportunities for adding to knowledge of Palestine, to control excavation and to conserve the existing wealth of monuments and antiquities. The contribution of Mr. John Rockefeller (Junior) of two million dollars has enabled the government to build and maintain a museum in Jerusalem, which is worthy of the land, a centre of knowledge about

Palestine and containing a full record of research and observation. With this museum Jerusalem archeologically stands on the same level with Cairo and Athens.

After the Police the Public Works Department accounts for the greatest portion of government expenditure. The Department is responsible for the construction and upkeep of the main roads which are equal to those of Western countries, for all government buildings and transport, public water supplies and draining schemes, the conservation of ancient monuments and the inspection and control of electrical enterprises. The Director of Public Works is the Controller of Mines and in that capacity, deals with the numerous applications and the less numerous concessions for mining enterprises in the country. All the mineral resources are reserved to the state by the Order in Council and the Mining Ordinance of 1925. They can be worked only under a government licence.

The foremost place in the Departments, which are concerned with the revenue of the government, is occupied by the Department of Custom Excise and Trade. It collects nearly half the income of the government. The revenue has steadily risen, although the government pursues a policy of exempting from import duty raw materials of manufactures which have been established, or have a fair prospect of establishment in Palestine. In place of the unscientific Ottoman system, a uniform import duty ad valorem imposed on all articles, the government has introduced and is constantly manipulating a tariff designed to admit freely raw materials of industry, to place lighter charges on necessities than on articles of luxury and to secure some protection for Palestine agricultural and industrial

products. The Department controls also the manufacture of tobacco, salt, wine, matches and other industrial developments. It has also control of the ports and it licenses all craft on the coast.

The railways, which are entirely a government activity, may be classed as a revenue producing department. The railway organization comprises three separate systems; the line from Rafa, on the Egyptian frontier, to Haifa laid by the Army during the campaign of 1917-1918, and the line from Jaffa to Jerusalem, originally laid and owned by a French company before the War and bought from them, are the absolute property of the government; the line from Kantara on the Suez Canal to Rafa which runs across the Sinai Desert, and was also made by the Army but is laid on Egyptian territory, belongs to the Air-Ministry of the British government and the Palestinian administration in equal share, so that its profits are divided, but is administered wholly by the Department. Lastly, the metre gauge line from Haifa to Deraa, east of the Jordan, where the Syria, Transjordan and Palestine frontiers meet; and again the line from Hesseb, in the land of Bashan, to Maan, which are stretches of the Hejaz line in Palestine and Transjordan, though administered by the Department, are a wakf of the Moslem community.

The other business Department of the government, which is in a more substantial measure revenue producing deals with Posts, Telegraph, Telephone and Broadcasting station. It was the British administration which first gave the country a uniform postal system. In the Turkish regime several of the European Powers conducted their own post offices and the

government post was used as a last necessity. Private telephones were unknown. Now there are many telephone subscribers and the telephone and postal service is as good as that of European countries. The Broadcasting station was instituted in 1937 and was placed under the direction of the Post Master General.

Another Department which produces substantial revenue is that of Lands. The revenue is derived partly from the rents of state domain, but mainly from the fees charged for the registration of all land transactions in the government registers. Those fees turned in huge amounts to the government caused by lands alienated from Arabs to Jews.

The survey Department, which is associated with the land Department but separate from it, has as its main function to carry out a detailed topographical survey. It is engaged also in urban surveys for the purpose of the reform of taxation and of town planning schemes, in the training of Palestinians for survey work and the printing of maps.

Lastly, there is the Department of the Auditor, who is under control not of the High Commissioner but of the Director of Colonial Audit. The Chief Auditor audits all the government accounts, and in addition the accounts of the Transjordan government and of the larger municipalities and brings any delinquencies to the notice of the High Commissioner.

All these Departments work under the Secretariat; the Heads or Directors are responsible in person towards the Chief Secretary. It has been said by a witness appearing before the Royal Commission in 1937 that "At present the whole trend of administration seems to be towards department-

al government with a District administration uneasily super added. The Heads of Departments are inclined to act on their own initiative without reference to District Commissioners."

Local Government

The ten Districts of 1920 to which Palestine was administratively divided, were reduced to seven, then to four, later on to three and finally enlarged to six - Northern District, Galilee District, Samera District, Jerusalem District, Lydda District and Southern District. At the head of each of the major districts there is a British District Commissioner and an assistant District Commissioner, who is also a British officer. The district is divided into subdistricts, each of which is under a Palestinian District officer. Besides the District Commissioner and his assistant, two or three British officers are in general charge of areas comprising two or more sub-districts. The area officers and district officers exercise personal and visible authority; it is to them that the country side turns in times of difficulty.

It is the function of the district administration, on the one hand, to maintain order and collect the taxes, to keep in touch with the local needs and interests and represent them to the central authority and above all to exercise the paternal functions of government. While the principal Departments have their local representatives in the chief places, the Principal Medical Officers and the Medical Officers of the Health Department, the District Engineers and their assistants in Public Works Department, the District Inspector of Education, etc., the District Commissioner and his staff play the part of the intermediary between these agents of the different Departments and the townspeople. By their influence

with the municipalities and other local bodies, and by the authority which the District officers wield in the villages, they are able to secure the adoption of the measures which emanate from the bureaucracy at Jerusalem. "The Central Administration, it has been said, deals with the affairs of the state, while the Local Administration deals with the state of affairs." (2)

The municipalities are purely elected bodies. The mayor is not elected to that office but is appointed by the High Commissioner from the elected councilors. He receives a salary from municipal funds and is the principal executive officer. The other members of the Council are honorary. The municipality has its medical, sanitary and engineering officers, and its tax collectors. The municipalities no longer maintain a separate Police Force which existed in the Turkish system and for some years under the British rule. Each municipality now makes a contribution in lieu to the government for the upkeep of the Local Police Force which is under the control of the Central Police Department. The revenue of the municipality is principally derived from a house rate and from indirect taxes, add to this that the government makes grant-in-aid to most municipalities.

In addition to the Municipalities, elected Local Councils have been established in a number of the bigger villages and exercise similar functions. They are constituted by an Order of the High Commissioner which lays down their powers of rating and taxation, and defines their area of jurisdiction. The President of the Local Council, however, receives no salary.

(2) Bentwich: *England in Palestine*, Page 241.

The budgets of the municipalities and of the Local Councils have to be submitted for approval and amendment to the District Commissioner and are carried out under his supervision. The Councils, both municipal and local, are responsible for the primary services of Local Authorities elsewhere, the maintenance of roads, scavenging, sanitation, lighting and in most cases, a public water supply.

Villages are headed by Muktaris who are normally elected by the inhabitants of the village and removable by district officers if found incapable. The Muktar is the link between the government official and the peasants. Frequently however, the ruling authority is exercised not by the appointed officer of government, but by some hereditary chieftain or landowner, who has the powers of an old feudal lord and who more effectually than the government, can make the muktar and the villagers do his bidding.

The Jewish villages have a more developed idea of corporate and democratic government. Where no Local Council exists the place of the muktar is taken by an elected committee or Vaad, which, though not established by ordinance, is recognized by the government as its channel of communication for local purposes.

The Legislative Power

The Palestine Mandate declares that the Mandatory shall have full powers of legislation and administration. The High Commissioner, as the representative of the Mandatory power, exercises supreme legislative as well as executive power. In accordance with the terms of the Order in Council of 1922 he may enact ordinances for the peace, order and good government

of Palestine. He is subject indeed to certain advice, both local and from the Mandatory power. He has to consult about legislation with an Advisory Council, which has since 1923 consisted exclusively of British officials; and all important legislative proposals after a preliminary examination in Executive Council, are submitted to the Secretary of State for the Colonies for examination. The only express checks, however, on the legislative power are the provisions of the Order in Council: (1) That no Ordinance shall be passed which restricts the complete freedom of conscience, or the free exercise of forms of worship... or which tends to discriminate in any way between the inhabitants of Palestine on the ground of race, religion, or language, or which shall be in any way repugnant to or inconsistent with the provisions of the Mandate. (2) That no Ordinance shall be enacted until a draft has been published in the official Gazette for at least a month, unless the High Commissioner finds it indispensably necessary in the public interest to pass it immediately.

The actual procedure of legislation followed hitherto is that, on the proposal of a department or of some committee or commission appointed by the High Commissioner, it is decided in Executive Council to introduce a new law in amendment of the law: a draft is then prepared in the Law Officers Department and submitted again to the Executive Council. After consideration there, if the Bill is of general importance, the draft is sent to the Secretary of State to be scrutinized; when returned with or without amendment, it is circulated to the members of the Advisory Council and discussed at a meeting of the Council, changes may be made and at the instance of the

members of the Council, the revised draft is then translated into Arabic and Hebrew and published in the three languages, in the Gazette. If criticisms of the Bill are received, they are considered in Executive Council and, in case they touch the principles of the Bill, also in Advisory Council; should it be decided to make substantial changes, the revised measure may be submitted to the Secretary of State; and when his sanction is obtained to the amendment it is published anew in the Gazette. Finally, the High Commissioner signs the Ordinance, and a notice appears in the Gazette stating that it has been enacted.

The requirement of publication of the Bill in the Gazette is designed to give any class or section of the population, or any individuals, the opportunity of expressing their views on the legislative proposals, either by petition or by articles in the press.

A further check on legislation exists, in that His Majesty the King, through the Secretary of State, may disallow any Ordinance which has been enacted by the High Commissioner if it is found to be open to objection in substance or in form.

Moreover, the restrictions on the legislative power as regards subject matter, which are contained in the constitution may be applied in the last resort by the courts of the land. The High Commissioner has the character of a subordinate legislative authority; and his powers are controlled by the constitutional instrument and by the Mandate which is an international obligation and is incorporated by reference in the constitution. In accordance with the fundamental principle of the Rule of Law, it is for the courts to determine if he has exceeded or

transgressed his legislative powers. They may declare an ordinance null and void if they find that any restriction of the Order-in-Council has been violated.

Apart from the law-making power of the High Commissioner, the Order-in-Council provides a residuary right of legislation for His Majesty who, "with the advice of his Privy Council, may make from time to time all such laws or ordinances as may appear to him to be necessary for peace, order and good government of Palestine in accordance with the Mandate conferred on him". The organic instrument in which this clause occurs is itself an example of the application of the King's authority under the Foreign Jurisdiction Act to issue Orders-in-Council for a territory in which he has power and jurisdiction by treaty. Finally, certain Imperial Acts of Parliament such as the Copyrights Acts have been applied to Palestine by this means. In case of a dead-lock, or refusal by the inhabitants, the needs of government can in the last resort, be met by the exercise of the royal prerogative.

The Judicial Organization

In December 1917 when Jerusalem was occupied two courts of first instance were set up, one at Jerusalem and the other at Jaffa; and subsequently when Northern Palestine was occupied in the autumn of 1918, two others were set up at Nablus and Haifa, each with a British president and two Palestinian judges. One Court of Appeal was constituted for the whole country, manned by two British Judges and four Palestinians who represent the three principal religious communities. The Arab judges in the Court of Appeal were taken from among practising advocates.

The section of the Palestine Order-in-Council, 1922, dealing with the Judiciary confirmed for the most part the existing formation, although the names of the courts and their jurisdiction were somewhat modified. The Palestine judicial hierarchy starts with the Magistrates Courts. These Courts possess criminal jurisdiction in cases punishable with not more than one year's imprisonment, and civil jurisdiction in an action up to a value of £100, or for possession of land. They conduct also a preliminary inquiry into graver criminal charges and commit for trial. Most of the Magistrates are Palestinian Arabs or Jews, but there are four British barristers as magistrates in the four larger towns.

The courts of first instance have been renamed District Courts. They have jurisdiction in all civil matters outside the competence of Magistrates Courts, and in all criminal matters except capital cases. Further, they are the appellate tribunals for the Magistrates Courts in their area. Any two judges may sit for the trial of misdemeanours and civil cases; the full court of three members must sit for the trial of graver charges and for hearing appeals.

For the trial of capital cases the administration has established a court of criminal assize, in which the Chief Justice or any British Judge of the Supreme Court sits with the full District Court in the district in which the crime was committed. Thus it is a court of four; and there must be a unanimous verdict, or a majority of three to one for conviction. The jury does not exist in Palestine.

Another addition to the original hierarchy of courts was made by the formation of Land Courts which exercise jurisdic-

tion concerning the title to immovable property. Owing to the amount of crime, coupled with the tendency to litigation, the District Courts at first could not deal adequately with such cases in addition to their other work; and special tribunals composed of a British presiding judge and one Palestinian judge were created for the purpose.

The original Court of Appeal has been transformed into a supreme court which sits in two capacities. As an appellate court it hears appeals from judgements, civil or criminal, given by the District Court, the Court of Criminal Assize or the Land Court. And sitting as a High Court of Justice, it has jurisdiction "to hear and determine such matters as are not in the nature of trials, but petitions or applications not within the jurisdiction of any other court and necessary to be decided for the administration of justice". The petitions and applications deal with what are known in English practice as the writs of Habeas Corpus, which lie against any officer of the government who is alleged to have abused or exceeded his powers. The Supreme Court sits for for the hearing of appeals from the District Court and Land Court with three members, an English judge always presiding. In hearing appeals from the Court of Assize it sits usually with five members; and acting as the High Court it sits with two or three, and usually with a British majority. A further appeal lies from the Supreme Court in civil cases of a certain value - exceeding £500 - to His Majesty in Council, as from all countries in which His Majesty exercises jurisdiction. In criminal matters an appeal may be brought by special leave of the Privy Council itself.

The civil courts have jurisdiction over all persons in

Palestine save the High Commissioner who like the King in England is immune. Claims may be brought against the government or any official in the government and it is the Attorney-General or the government advocate who is charged with defending the government. The approval of the High Commissioner is required in cases of Death Penalty. The High Commissioner may mitigate the court's award or he may exercise his right of pardon.

The head of the Palestine judiciary is the Chief Justice, who enjoys all the appanages of that office as developed in British administration. He is second to the High Commissioner in the order of precedence of the officers of the Government. The Chief Justice is entirely independent of the Executive, and he is the administrative head of all the judges, clerks and staff of the civil courts. The three official languages are used in the courts, as well by the magistrates as by the advocates. Arabic is the most regularly employed in the records, and in criminal cases even where a British judge presides and the advocates address the court in English, it is usual to keep the court file in that language. Interpreters are a regular part of the staff of the Higher Courts, and on occasions it is necessary for the evidence and speeches to be rendered thrice.

In administering justice the Turkish law was retained as the basis of the law of Palestine, it has been modified by legislation when deemed desirable. In particular, in matters of companies, patents and trade marks provisions of English statutes have been and are being adopted. The Jurisdiction in matters of personal status of the courts of the Moslem, Christian and Jewish communities has been fully retained by the civil administration. The judges of the Shari'a courts

have exclusive jurisdiction in all matters of personal status and charitable endowments of Moslems. In 1921 a Moslem supreme council was established. It was originally elected by Moslem adult males, with the function of supervising the Moslem courts and administering the Moslem wakfs or charitable trusts. Subsequent vacancies have been filled by the High Commissioner. In 1938 the Council was dissolved and a fresh one nominated by the Executive. The jurisdiction of the Jewish and Christian courts is exclusive only in matters of marriage relations and the confirmation of wills made in religious forms and in questions of administering charitable endowments if similarly made. In other matters it is concurrent with the competence of the civil court. As regards Jewish citizens, the jurisdiction of the rabbinical courts extends only to those Jews who adhere to the official community. Any Jew, or any congregation of Jews, has a right to contract out of the community, and is then exempted from its religious jurisdiction. The power has been used by an orthodox section which prefers a civil law administered by civil courts to a religious law administered by a tribunal of Rabbis.

The civil courts exercise this amount of control over the religious courts, that the judgements of the communal tribunals are enforced only by the civil offices. Thus an order for the division of an inheritance can become effective only in the last resort through an order of the Executive Office of the Civil Court. And if there has been an excessive assumption of jurisdiction or some apparent denial of justice, the judge of the civil court can suspend execution till the issue is clear.

Yet another variety of court which is recognized by the

government is the tribal court composed of sheikhs. The Bedouin particularly in the Beersheba district, knew only their tribal customs and their own chieftains. The British administration sanctioned and adopted this tribal justice. Every week the sheikhs of the tribes are assembled at Beersheba and Anja-Hafir and judge according to their usage the charges and claims which have been previously submitted to the district officer and referred by him to their tribunals. Their decisions are subject to appeal, to the District Court which, however, in dealing with these cases takes account of the tribal customs.

In the science of politics the powers of the government are usually classified as legislative, executive and judicial. Legislative bodies are concerned in the making of law, executive officials in the enforcement of law and judicial tribunals in the interpretation of the meaning of law and in the application of it to individuals in cases of dispute or of failure to observe it. The theory that these functions should be performed by different bodies of persons, that each department should be limited and independent in its sphere of action is called the theory of Separation of Powers. The theory that each of these departments should share in the powers of the others or exercise certain control over their actions is known as the theory of Checks and Balances. Evidently the government of Palestine is not organized on the basis of the theory of Separation of Powers. In the spheres of the Executive and Legislative the same officials usually perform the two duties. The Heads of Departments when in congregation with the District Commissioners perform the legislative function of government, when each is confined to the work of his department he enforces the law of the state. The position of the judiciary is different in that they are distinct and independent from the other two branches of the Government of Palestine.

CHAPTER V

ARAB AND JEWISH POLITICAL ORGANIZATION

Arab Political Organizations

While the Arab community has been far less developed intellectually and therefore politically than any other European country, yet a radical change has taken place in the last few years and is still in process. The impact of western civilization, which began long before the War of 1914-18, but which was increasingly felt under the Mandatory regime, from the start influenced Arab political and religious life; "for it awoke in them the western conception and consciousness of nationality".⁽¹⁾ In Palestine, as elsewhere, the rise of the spirit of nationalism vitally affected the status of religion. Religious feeling was not necessarily weakened, but it was altered and no longer remained supreme. Religious fanaticism between Christian and Moslem Arabs which existed under Turkish rule in Palestine greatly weakened, and Christians and Moslems began to work together, sharing the same aims of independence and unity. "Today the Mohammedan is primarily a member of his nation or a citizen of his state, and only afterwards a Mohammedan"⁽²⁾. The peculiar position of Palestine resulting from the "National Home policy" accentuated the need of an Arab political organization to present and defend the case of the Arabs. Although clear cut political divisions and doctrines do not exist in Palestine, yet many political parties were formed striving to dissipate the Zionist peril of colonizing their country.

The body which until 1933, was at the head of the nationalist movement in Palestine, and which usually handled the Arab case against the government, was the Arab Executive elected by the Palestine Arab Congress. The first Congress was held in

(1) Toymbee: Survey of International Affairs, 1930; page 252.

(2) Kohn: Nationalism and Imperialism in the Hither East; p.24.

1920 as a result of the growth of the joint Moslem-Christian associations led by conspicuous leaders. This Executive Committee administered Arab political affairs for nearly eight years in a most efficient manner, and was responsible for conducting the defence of the Arab Case before the Shaw Commission, and although the Arab Executive ceased functioning in 1936 it has never been formally dissolved. Until 1925 the Arab Executive, which denied the validity of the Mandate, pursued a policy of non-cooperation with the Government, but later its aim changed. The seventh Arab Congress held in Jerusalem in 1925, at which all the chief Arab political parties were represented issued a memorandum demanding the establishment of a democratic parliamentary system of government. To this demand was later added, as circumstances came to require, the claim for the cessation of Jewish immigration.

There has always existed at least two major factions amongst the Arabs of Palestine, who formed themselves into two distinct groups: the Mejlisites or pro-council - people who support the policy of the Supreme Moslem Council - and the Mu'arideen, or opposition people who oppose the policy of the Council.

Originally, the Supreme Moslem Council, as an elected Moslem body, was constituted for the control and management of Moslem affairs in Palestine. It consists of a President and four members elected by the Moslem community. The Council was elected in 1922 for a term of four years, but up to 1938 no re-election has been made. The vacancies which were created in the Council were filled by appointment by the High Commissioner, under a new law enacted by the government to meet this purpose. The President of the Council was up to 1938 Haj Ameen al Hussein - who in the same year was deprived of his office as such,

and was replaced by an Englishman who supervised the control and management of Moslem affairs. From the early stages of the British administration Haj Ameen Al-Husseini participated and sometimes initiated measures designed to combat the Zionist penetration and to prevent the alienation of Arab lands to Jews. He took part in every national movement and through his high religious office helped to support the Arab Case in Palestine and to promote Pan-Arabism in the Arabic World.

These differences in opinion between the two factions naturally resulted in the formation of an opposition, which had as one of its objectives the reformation of the Supreme Moslem Council, through a re-election of all members of the Council, including the President, and the reorganization of Moslem affairs. As a result of the divergencies between the two main Arab factions on the organization of the Supreme Moslem Council - although all Arab national bodies, expressed itself, by act and word against the Zionists - two main Arab parties arose, the Palestine Arab Party, with the object of concentrating and organizing all the forces of the group known as the Pro-Council, or Mejlisites and the National Defence Party, aiming at organizing the opposition to the policy of the Council.

The Palestine Arab Party:

The tenets of the Palestine Arab Party were stated to be to maintain the Arab character of Palestine, to resist the establishment of the Jewish National Home and to improve the social, economic and cultural conditions of the Arab nation in Palestine. The party declared its intention to endeavour to concentrate and direct all the forces at its disposal towards the realization of its principles. It took upon itself to resist the sale of land to Jews, Jewish immigration to Palestine and Jewish colonization of Palestine by all possible means.

The text of the oath which every member of the party is required to make upon his admission might show, perhaps more explicitly the objects of this party. The oath is put in the following solemn form:

"Freedom is my right and independence is my aim. Arabism is my principle and Palestine is my home. In this I believe, and pledge myself to be sincere to such principles."⁽³⁾ This party has many adherents specially because its leader is the kinsman of the Mufti of Jerusalem. The journal of the party was called Al-Jameh Al-Arabia (The Arab League) a daily paper published in Jerusalem, then its name changed to Allywah. This paper is now suspended by the government.

The National Defence Party:

The opposition party bearing the name of the National Defence Party is under the chairmanship of the former Mayor of Jerusalem, Ragheb Bey Nashashibi. This party was constituted on December 2nd, 1934 after a conference had been held at Jaffa in which many delegates from all parts of Palestine were present. Article 3 of the Rule of the party lays down the fundamental objects as follows:

"To endeavour to achieve independence for Palestine with full Arab sovereignty, and not to recognize any international obligation which is calculated to culminate in any foreign pre-
dominance or influence, or which would place the country under the influence of any political or administrative policy which may adversely effect such independence. To achieve that end the Party will seek every possible means with a view to securing the establishment of National government, fully satisfying the aspirations of the Arab people of Palestine and drawing its powers from them.

⁽³⁾ Mogannam: The Arab Woman; Page 242.

To promote the economic, educational, social and agricultural development of the country and to assist in the improvement of the conditions of the fellah and Arab labourer."

Under Article 6 the party is administered by a central committee composed of twelve members, representing all the branches and centres in the country. This Committee is responsible before a General Committee of thirty five members representing all Palestine.

The importance and influence of the Defence Party coincided with the term of office of its chairman as Mayor of Jerusalem. It played an important part in the national movement and tended always to take a more moderate attitude towards the policy of the Mandatory power. Its mouth-piece was the Falastine, daily paper, the leading Palestinian newspaper.

The Arab National Party

Another Arab party was the Arab National Party. It is the first political party established in Palestine. It lasted only for a short time and during its brief duration it endeavored to secure some reform in the administration in the way of establishing a legislative council, to the extent that its opponents were moved to accuse it of pro-government tendencies. After a struggle of a few years the leaders of the party had to give way to more extreme ideas.

The Independence Party:

The Independence Party was the first political party to be formally established after the disturbances of 1929. Its programme was inspired by that of the old Arab Independence Party and fosters the establishment of an Arab Federation. Many leading Arabs of Palestine who were members of the Independence Party of the Arab World (formerly called Al-Fatat) are

amongst its members. The program of the party was to combat Zionism and to associate the Arab countries with the Palestine problem.

The Reform Party:

Another important party is the Islah (Reform) Party. This party has no president. It included at one time most of the Mayors of Palestinian Municipalities with other leading personalities. It was formally established at a meeting held at Ramallah in the early summer of 1935. This party has not given much publicity to its activities but in the basic national aspect its principles contain sufficient safeguards against the Zionist policy.

The National League and The Arab Young Men Federation:

In the somewhat general movement which swept the Arab circles for party organization two other parties sprang up; the National League and the Arab Young Men Federation. It does not appear that there exists any fundamental difference between the objects of the National League Party and those of the other parties, except perhaps in the manner in which each party directs its activities. As to the second, a group of young men formed themselves into a somewhat political organization and convened two general congresses, mainly of young men. The Arab Young Men Federation has since taken a keen interest in political affairs through its many branches in various centres of the country, and was able to keep alive the political consciousness in remote rural districts.

By the autumn of 1935 these groups of parties had in a quiet way sunk their difference in the interests of nationalism, to face the common foe resulting from accelerated Jewish immigrants' arrival. Leaders of these different parties had

together approached the High Commissioner with certain national demands. In April 1936 the party leaders combined to form an Arab Higher Committee. This body superseded the Arab Executive as the chief mouth-piece of the Arab Cause. It conducted negotiations on behalf of the whole population throughout the disturbances of 1936, and was in a closer touch with the rank and file than any previous Arab body - contact being maintained by means of a new organization in the form of local Arab national committees. These national local committees were organized in every part of Palestine by the young educated intelligentsia, receiving instruction from the Supreme Authority of the Arab Higher Committee and transmitting periodical reports to the same central organ containing full information of the local situation.

Due to family feuds and antipathy the leaders of the National Defence party seceded from the Arab Higher Committee and proceeded to publish a separate memorandum on the situation. But during the disturbances of 1938 most of the members of the National Defence Party left the country from fear of being assassinated. In October 1937 the government dissolved the Arab Higher Committee and all national committees and deposed six Arab leaders. The Mufti of Jerusalem, who was the President of the Arab Higher Committee, was deprived at the same time of his offices of President of the Supreme Moslem Council and Chairman of the general waqf committee. But just as in 1937 the National Defence Party had been at one with the Arab Higher Committee in rejecting the idea of partition, so during the London Conference of 1939, the Palestinian Arabs were ultimately able to subordinate their personal rivalries at least to the extent of presenting a united demand for the creation of an independent Palestinian state.

There is one aspect of the party system in Palestine which deserves special mention. All Arab parties are united in their national demands and in resisting the British Mandate as embracing the Zionist policy. They strongly oppose Jewish immigration and alienation of Arab lands and although they have as their object the independence of Palestine in an Arab Federation, they are all anxious that for the present at least some constitutional reform be introduced which will restore to the Arabs their constitutional rights and enable them to take full parts in the administration of their country.

With the dissolution of the Arab Higher Committee and other national committees, and with most of the Arab leaders being outside the country - either exiled or not being allowed to return home - the Arab Case in Palestine is being neglected, at a time when it should be more active. The Jewish leaders are utilizing every possible means to get more Jews into Palestine, while the Arabs are left with no political organ to defend the justice of their cause. The Arabs should approach the government with a demand to recognize an Arab political organization so that it will act as a mouth-piece of the Arab Case especially in the future peace conference.

The striking features of the Arab parties is their being constituted on family lines. Thus the Arab National Party is commonly known as the Husseini party and the National Defence as that of the Nashashibi. This family feud and personal antipathy between the leaders of the Arab parties greatly hampered the defence of the National Cause against the Zionist peril. The Arab leaders are much to blame for not subordinating their personal ambition and pride in the interest of their country. They should from the start have sunk their personal antagonism

and united in one single party against the Jewish menace. Another defect of the Arab political organization is that most of the programs of the different parties are mostly confined to the political issues. They neglect or only refer to the social or economic reconstruction. The efforts of the Arab leaders were much concerned with political questions such as the cancellation of the Balfour Declaration. They never thought of questions such as how to improve the conditions of the fellah, or to develop the agricultural resources of the country. Had they spared a little of their time to such important matters, the results would have been of a great benefit to the country. Lastly, most of the Arab parties were ill-organized. There are no branches for any of these parties in the different parts of the country. This had greatly handicapped the defense of the Arab Case if compared with the superior organizations of the Jewish Community and their ability to handle vital problems easily and swiftly.

The Organization of the Jews

The bulk of the Jews in Palestine belong to or are in agreement with the Zionist organization - the world wide body whose membership is open to all who advocate the creation of a Jewish Home in what they call the Promised Land. At least 80 percent, if not more of the Palestinian Jews endorse the policy of the Zionist Organization. The ideal of a return to the Promised Land has long been cherished by Jews.

"The Jews have always hoped - it was an article of faith for religious and even for non-religious Jews - that a day might come when they would be allowed to return to the land of their ancestors. They have never given up this claim. They prayed for it. They fasted for it. And events have

proved that it was not merely a romantic attachment on the part of a dispossessed people to a country of which they were deprived two thousand years ago."⁽³⁾

But the Zionist Organization proper was not founded until 1897, when the anti-Jewish outbreaks which occurred at the time of the Dreyfus Case inspired the founder, Herzl, with the idea of an organized movement for a Jewish home. His conception found its strongest support where persecution was severest, that is to say in Eastern Europe, but the more moderate practical Zionism prevalent elsewhere has always dominated the movement.

The Zionist leaders, striving to find a national home for the persecuted Jews brought their movement into the orbit of English policy. Mr. Joseph Chamberlain, who had recently returned from his journey through Africa, suggested that a Jewish homeland provisionally might be located in a portion of the Colony of British East Africa (now Kenya). There was a great and fertile country to be developed in which few white settlers had established themselves; and he offered it to the Jews. How seriously the project was taken by the English government is shown by a letter of August 14th, 1903, in which the Foreign Office informed the Zionist Organization that the secretary of state "has studied the question with the interest which His Majesty's Government must always take in any well considered scheme for the amelioration of the position of the Jewish race the details of the scheme comprising the grant of a considerable area of land, the appointment of a Jewish official as the chief of the local administration and permission to the colony to have a free hand in regard to municipal legislation as to the management of religious and

(3) Weizmann: Palestine today: International Affairs, Sept.-

purely domestic matters, such local autonomy being conditional upon the right of His Majesty's Government to exercise general control."

Having become more and more impressed with the misery of the Ghettos of Eastern Europe and with the urgent need of providing a place of refuge in which some of his people could recover their manhood, Herzl gratefully entertained the offer of the English government. He had, however, moved beyond the desires of a great number of his followers; and when he laid before the Zionist Congress the offer made by the English government and proposed that a commission should be sent out to investigate the conditions of the land, he was faced with the intense opposition of that very section whose lot the land of refuge was intended to alleviate. Herzl barely obtained a majority of the Congress in favour of the proposal to send out an expedition. He did not live to receive the report of the Commission that proceeded to East Africa. The report was not altogether favourable and was accepted by the next Congress in 1905 as a sufficient reason for not proceeding further with the plan.

No further attempt was made before the war by the Zionist Organization to invoke the aid of the British government for Jewish settlement. It was a great blunder made by the Zionist leaders to have refused the generous offer of the British government. Some of the Zionists approached the Sublime Porte offering gold if the Sultan would open the doors of Palestine for Jewish immigrants, but all their efforts proved to be futile and useless. When the Great War broke out and Turkey after a show of indecision threw in her lot with the Central Powers, the Zionist leaders directed their efforts towards

winning the sympathy of the British government. Their efforts were crowned in the declaration of November 2, 1917 bearing the name of Lord Balfour, the then British Secretary for Foreign Affairs.

At the time of the allocation of the Mandate in 1922, the General Zionist Party - a group under Dr. Chaim Weizmann - was in control, claiming no less than 306 out of a total of 445 delegates at the Twelfth Zionist Congress of 1921. They continued to enjoy this supremacy for many years primarily due to the prestige of Dr. Weizmann, who won the confidence of the middle class Jew. He lost authority in 1930 when the publication of a British White Paper on policy in Palestine convinced many Jews that moderation did not pay, and that the Revisionists had been right after all. The disappointment of the Jewish people as a whole was reflected in Dr. Weizmann's temporary eclipse, his place as head of the organization being taken by his friend, Dr. Sokolow, but the former was reinstated at the Nineteenth Zionist Congress in 1935 and was again re-elected at the Twentieth Congress in August 1937. At the same time it should be noted that despite all his efforts Dr. Weizmann's influence was not sufficient to carry a vote in favour of Partition at the Zionist Congress which followed the publication of the Peel Report. Whereas the persecuted Jews of Central Europe followed Dr. Weizmann in desiring partition, the devout Zionists turned down "Zionism without Zion" and were able to carry the day thanks to the vote of the assimilated Jews from the western Democracies, who feared that the creation of a Palestinian state might rob them of their American and British citizenship.

The Mizrahi Party:

An influential group in Palestine is that formed by the General and Orthodox (Mizrahi) Zionist Parties, which differ only on religious grounds and which, between them, account for perhaps 40 percent of the community. They consist mainly of middle class settlers, of intellectuals and of professional classes.

The Labour Party:

At present the largest group supporting the Zionist Organization is the Labour Party - known as the Paalim which now comprises at least 50 percent of the total Jewish population. This party is growing in influence not only in Palestine but throughout the world. At the Eighteenth Zionist Congress in 1933 Labour had for the first time more delegates than any other party. The Labour Party directs in great part the activities of the Histadruth, or Jewish Federation of Labour, whose membership of over 100,000 in 1937 comprised at least 80 percent of the Jewish workers of Palestine and included farmers and members of the professional classes as well as labourers and industrial workers. The Histadruth is far more than a trade union; besides managing cooperative societies and organizing labour banks and credit unions it also acts as a colonizing agency and helps to train young settlers; it also at times acts as a contracting undertaking.

As originally conceived, the Histadruth's policy departed on two points from that of the General Zionists. In the first place, its aim was a progressive labour policy, that is the combination of social reform with any settlement scheme. "The Histadruth considers it its duty to create a new type of Jewish worker and to see to it that, while colo-

nization is developing, the Jewish worker, who came into being as a result of this very colonization process, shall be assured the place which is his due."⁽⁴⁾

In the second place, it stood for a policy of comparative moderation towards the Arabs, indeed, its leaders at one time tried to organize trade unions among them, partly in the hope of raising the Arab standard of living and thereby removing the threat to Jewish labour. Arab labour receives a comparatively lower wage than the Jewish ones and accordingly some Jews may be tempted to employ Arab workers, so it was the business of the Histadruth to try and equalize the payment of the workers of both races, in order to remove the competition of the Arab workers in Jewish colonies.

The Revisionists:

Apart from the Zionists there are only three groups of any importance. The first are the Right Wing Revisionists under the leadership of Vladimir Jabotinsky, who in 1935 withdrew from the Zionist Organization and founded the New Zionist Organization. The size and influence of this party has tended to vary in inverse proportion to the rate of immigration; at present they claim to constitute about 17 percent of the Jews in Palestine. Zionists, however, estimate their numbers at somewhere between 5 and 10 percent. They also hold that their ideas are shared by many who are not in their organization. The Revisionists fiercely and constantly attack any policy of moderation; they hold that the promise embodied in the Balfour Declaration is one of a Jewish state, and aim at setting this up as speedily as possible in both Palestine and Transjordan. Their proclaimed objective is the production

(4) Histadruth Convention, 1920.

of a Jewish majority in Palestine and they therefore look upon immigration as transcending all other issues, only when the Jews are in a majority is Palestine to receive self-government "so that under a democratic rule the Jewish point of view shall always prevail".⁽⁵⁾ The claims of the Revisionists have undoubtedly aggravated Arab fears specially when they hear a Revisionist leader declaring "Our Zionist imperialism will flourish under the protection and support of any Power on condition that that Power will show no mercy to the Arab population and uses an iron fist under which the Arabs shall not be allowed to move".⁽⁶⁾

The Agudath Israel:

The second group outside the Zionist Organization is the Agudath Israel, comprising the strictly religious and wholly non-political Jews. These now claim to represent 20 percent of the total Jewish population and are in part the remnants or offspring of the 55,000 Jewish inhabitants of Palestine at the time of the Armistice, many of whom are non-Zionists. They have so far remained outside the jurisdiction of the General Council of the Jews of Palestine, from whom they differ on matters of ritual and education and at their own request do not form part of the community as recognized under the ordinance of 1927. They have at times gone so far as to appeal unsuccessfully to the Mandatory and to the League for official recognition as a separate community. Their appeal failed and their relations with the newcomers for years remained very bitter. But there seems to be some sign that this separation is breaking down; negotiations for the inclusion of the Agudath Israel within the recognized Jewish Community took place in 1934-35 and the administration has since reported

⁽⁵⁾ Statement by Mr. Jabotinsky, quoted in Toynbee 1930, p.265.
⁽⁶⁾ Great Britain & Palestine, 1915-1930, p. 17

that "the differences between the two bodies had been notably less acute Political and economic unity may without much difficulty be achieved between them."⁽⁷⁾ In the spring of 1939 the Agudath Israel cooperated with the Zionist Organization and the Jewish delegation that took part in the Palestine Conference with the British Government.

The Faction of Dr. Magnes:

A third party which views the policy of the National Home from quite a different angle is that of Dr. J.L. Magnes. Dr. Magnes is the Chancellor of the Hebrew University. He is one of the Jews who do not allow his passions to control his reason. If all the Jews believed in what Dr. Magnes writes the conflict between the Arabs and the Jews would be less acute. In order to understand more fully the convictions of Dr. Magnes one ought to read his pamphlet entitled "Like all the Nations". In it he writes, "As to what we should want here (in Palestine) I can answer for myself in almost the same terms that I have been in the habit of using many years: Immigration, settlement on the land, and Hebrew life and culture. If you can guarantee these for me, I should be willing to yield the Jewish state, and the Jewish majority and on the other hand I would agree to a Legislative Assembly together with a democratic political regime so carefully planned and worked out that the above three fundamentals could not be infringed why talk of "majorities" and "state" when even by the wildest stretch of the imagination we can hardly picture such a thing within an appreciable period even if Britain and the Arabs and Jewish money given were helpfulness itself." In another part page 60 he writes, "The new Jewish Palestine begins under a great disadvantage. Palestine is,

(7) Report on the Administration of Palestine, p.18, 1935.

so they say, to be "given" to the Jewish people. To my mind, no Peace Conference has the right to give any land to any people, even though it be the land of Israel to the People of Israel. If self-determination be a true principle for other peoples it is just as true for Jewish people, here, there and everywhere. If democracy means something for the oppressed people of the world, it must mean just that thing for the Jewish people. As I look at it, the Peace Conference has no right to give Palestine to the Jewish people than it has to give, let us say Tyrol to Italy or other territories to other peoples except upon the principle of self-determination. If we are to be true democrats, we must be true democrats in Jewish life as well. Our new beginnings in Palestine are burdened by this gift. We stand over against the great Arab democracies as interlopers, as a people seeking favors at the hands of the powerful government, of the imperialist forces of the world." The concept of the National Home to Dr. Magnes is not a political domination by the Jews to the Arabs, on the contrary he ardently believes that the Jews should continue to be a political minority and come to an understanding with the Arabs. They should immigrate to Palestine as long as they do not arouse the fear or suspicion of the Arabs. They should settle on land in proportion to their population and lastly, Hebrew culture and language should be fostered in Jewish settlement. Both races should cooperate together in running the affairs of the state provided that government officials should not be out of proportion to the respective numbers of the two nations. Further, Dr. Magnes envisages Palestine as a state in the future Arab Federation. But Dr. Magnes has no followers, for practically most of the Jews are Zionists.

Under Article IV of the Mandate "an appropriate Jewish Agency" was to advise and cooperate with the administration on the establishment of the National Home, and from 1922 until 1929 the Zionist Organization acted as such. But the same Article IV also provided that steps should be taken to secure the cooperation of all Jews who were willing to assist in the establishment of the National Home and Zionism did not represent the whole of Jewry - particularly not the Jews of Western Europe and America, who, being assimilated to the countries of their adoption, were mainly non-Zionist.

Negotiations towards the creation of an enlarged Jewish Agency proceeded from 1924 onwards, and in 1927 the President of the Zionist Organization visited the United States, where he reached agreement with the head of the non-Zionist American Jews. After consultation with the Mandatory power, the two branches of Jewry set up a Joint Palestine Survey Commission to report on the conditions in Palestine, and to draw up a programme of development. Finally, in 1929, after the Report of the Commission had been examined, the new agency came formally into being. It consists of a Council on which Zionists and non-Zionists are equally represented and of a standing executive in Palestine. The President of the Zionist Organization is *ex officio* President of the Jewish Agency.

The powers of the Jewish Agency are embodied in Articles IV, VI & XI. Besides these the Jewish Agency and its branch organizations have founded schools, hospitals and agricultural and medical research stations, and in this way have maintained a far higher standard of living for the Jewish community in Palestine than would otherwise have been possible. This policy has been criticized by the Revisionists, who consider that it

is the government who should provide these services, and that the whole funds of the Jewish Agency should be devoted to immigration and colonization.

Some of the social services established by the Jewish Agency are now run by the Palestinian Jews themselves, for example, the education service which was transformed from the control of the Jewish Agency in 1933. The Jewish community in Palestine has its own assembly of representatives elected on wide franchise, which appoints yearly the Jewish General Council (Vaad Leumi). In 1927 these organizations were officially recognized and the Jewish community was granted a certain measure of self-government, including the right to levy taxes for education and other communal purposes through the Vaad Leumi.

Save for the Agudath Israel and the faction of Dr. Magnes, the Jewish Community is at one in aspiring to see Palestine turned into a Jewish state. Their organizations are of much superior character than those of the Arabs. Most of them are represented in the General Zionist Organization which meets annually in one of the European towns. In their programs they deal with every problem that is somehow connected with the creation of a National Home. The Jewish Agency is a government in its organization. Together with the Vaad Leumi it steers the affairs of the Jewish community. They cooperate with the Palestine Administration in preparing certificates for the Jewish refugees to enter into the country. The Jewish Agency facilitates the settlement of the Jewish community in the fertile lands of the country and exploits all the natural resources of Palestine.

The Arab community has never been organized on a basis

comparable to that of the Jews. The Mandatory is often blamed for this in the Mandate's Commission⁽⁸⁾ and elsewhere. The provisions of the Mandate (Article IV) which created the Jewish Agency does not provide for a similar Arab Agency to safeguard and represent the interests of the Arab Community. Add to this that the Arabs do not enjoy any equivalent of the Jewish General Council (Vaad Leumi).

(8) P.M.C. Minutes of the Twenty Ninth Session, pp.148-149.

CHAPTER VI

POLITICAL DEVELOPMENT OF PALESTINE 1918 - 1930.

The history of the Arab nationalist movement in Palestine during 1918-30 falls into two periods. The first extends to 1925. Its guiding principle was non-cooperation with the English Government so long as the latter adhered to the Balfour Declaration. In the second period the guiding principle was the demand for democratic popular representation, and later for laws to protect the fellaheen against dispossession and against the crushing burden of taxation and debt. Although the programme of the second period retained the unaltered aim of combating Zionist aspirations, yet it may be regarded as an advance on the mere negation that preceded it.

The Zionist Commission and King-Crane Report

For two years the military administration in Palestine did not dare, out of regard for the Arab population, to proclaim the Balfour Declaration. It was not till 1920 that it was mentioned publicly in a speech by the British representative there. During the military administration two commissions of political significance arrived in Palestine. First came the visit and attitude of the Zionist Commission, secondly the investigations and Report of the King-Crane Commission. The arrival in Palestine of a commission authorized by the British Government to travel, investigate and report on the prospects of a National Home, as well as "to help in establishing friendly relations with the Arabs and other non-Jewish communities"⁽¹⁾ aroused the Arabs to the realities of the situation. No steps were taken to represent the Arab side of the case. "Doubtless enthusiasm for the Zionist Cause led to the disregard of other people's feeling at a time when the

(1) Peel. Page 157.

greatest tact and discretion were necessary."⁽²⁾ The subsequent efforts of Dr. Weizmann to allay suspicions were unsuccessful. Many of the demands put forward by the Jews provoked resentment. It was urged that they should at once participate in the Military administration: there should be a Land Commission with experts nominated by the Jewish organization "to ascertain the resources of Palestine", that the Anglo-Palestine Bank, a Jewish company should advance the money required for loans to Arab agriculturists. They desired to select and supplement the pay of Jewish candidates for the police. The chief administrator twice recommended that the Zionist Commission should stop its work and when his recommendations were not met he resigned his post. All this was done during the prolonged period of military government designed "to carry on" temporarily and to preserve the status quo.

The proposal to send out a commission of inquiry representing all the four major powers never materialized. The French government directly opposed the proposal, the English appointed to her two representatives but they defaulted and the Italian government was indifferent. The American Commission arrived in Jaffa on the 10th of June and spent six weeks visiting Palestine and Syria. They carried out as extensive an inquiry as they found possible in the time, interviewed a large number of delegations in many towns and received many petitions. They made a point of making themselves accessible to every shade of opinion without restriction.

The Commission expressed themselves in favour of the mandatory system for Syria, Palestine and Iraq, but on condition that the mandate be for a limited term and that it should

(2) Peel. Page 157.

definitely aim at bringing the mandated countries to independent status as rapidly as conditions would allow. They recommended that the Unity of Syria (including Palestine) be similarly preserved, subject to the maintenance of Lebanese autonomy within the framework of Syrian Unity; that there be one mandate for Syria-Palestine and the form of government will be a constitutional monarchy with Amir (King) Feisal as King in Syria. On the subject of the choice of mandatories, the Commissioners found that the consensus of opinion in Syria, while repudiating the mandated form of tutelage, was overwhelmingly in favour of assistance being provided by the United States or failing her, by Great Britain but on no account by France.

The Commissioners devoted a good deal of space to an analysis of the Zionist problem. They described themselves as having begun their study of it with minds predisposed in its favour, but that the facts of the situation they had found in Palestine had driven them to recommend a limitation of Zionist ambitions. The statements made to them by Jewish representatives had convinced them that the Zionists looked forward to a practically complete dispossession of the "non-Jewish" inhabitants of Palestine by various forms of purchase. Not one of the British officers whom they had consulted believed that the Zionist programme could be carried out except by force of arms. They felt bound to recommend that the Zionist programme be greatly reduced, that the Jewish immigration be definitely limited and that the idea of making Palestine into a Jewish commonwealth be abandoned.

The Report of the Commission was ignored and was not

acted upon even in Washington. Great Britain and France have devised and imposed a "settlement" of their own making, in which the advice of the King-Crane Commission had been totally and as it turned out unwisely disregarded.

Disturbances of 1920

A violent outbreak occurred in April 1920 toward the end of the military regime. In Jerusalem attacks were made by Arabs on Jews and the Jews retaliated in a most savage manner, and only by firm action of the troops was order restored. It appeared on investigation that the causes of the trouble had been (1) the Arabs' disappointment at the non-fulfilment of the promises of independence which the British had pledged themselves to achieve, (2) the Arabs' belief that the Balfour Declaration implied a denial of the right of self-determination and their fear that the establishment of the National Home would mean a great increase of Jewish immigration and would lead to their economic and political subjection to the Jews, (3) the aggravation of those sentiments on the one hand by propaganda from outside Palestine associated with the proclamation of the Emir Feisal as King of a United Syria and with the growth of the idea of Pan-Arabism, and on the other hand by the activities of the Zionist Commission, supported by the resources and influence of Jews in the world at large. (3)

The first disturbance revealed from the start the political consciousness of the Arabs as to the implication of the Balfour Declaration. But it was a faulty policy to make outbreaks at a time when the military administration was still retained and when the future status of the country had not yet been announced. The Arab leaders should have approached

(3) Report on the Military Administration.

the military administration in a peaceful manner, disclosing to the Chief Administrator the Arab fears as to the future policy to be pursued by the British government and what condition would such a policy, if applied, create.

Following the allocation of the Palestine Mandate on April 25, 1920 to Great Britain, the military regime was superseded by a civil administration as from July 1, 1920 with Sir (now Lord) Herbert Samuel as High Commissioner. In October, 1920, the High Commissioner nominated an Advisory Council consisting of ten British officials and ten Palestinians of whom seven were Arabs and three Jews. All bills were submitted to it, and it was empowered to discuss questions of public interest. It was presided by the High Commissioner who may in the last resort exercise his power of veto. Its function as its name implies was only advisory so that the High Commissioner may be well acquainted with the different points of view of the two sections of the inhabitants. In his report Sir Herbert Samuel pointed out that this advisory council had rendered valuable service and that the government had always been in a position to pay heed to the criticisms of its non-official members.

Meanwhile the task of implementing the Balfour Declaration now began slowly to develop. The first Immigration Ordinance was enacted in September 1920, and the High Commissioner authorized the admission of Jews in accordance with a first year's quota of 16,500⁽⁴⁾ fixed by the administration. The Arabs at once began to manifest considerable alarm. They thought that their land was to be expropriated for purposes

(4) Report on Palestine Administration, July 1920 - Dec. 1921, p. 127.

of Jewish colonization and that large scale immigration would render the population of Palestine overwhelmingly Jewish, land and immigration the two vexed questions upon which almost all subsequent trouble has hung, were prominent stumbling blocks from the first.

The Arabs at once in the fourth Palestine Arab Congress, which was held in Jerusalem elected a delegation of six, in order to go to London and promote the Arab Cause in the negotiations on the Palestine mandate, which were nearing their conclusion and to urge the revocation of the Balfour Declaration. Their mission ended in a complete failure.

The Outbreaks of 1921

When in 1921 the British Colonial Secretary visited the territory, the Arabs spared no effort to submit before him their grievances, but with no avail. But the year did not lapse before another serious outbreak. In that year the Orthodox Easter Sunday coincided with the Labour Day May 1. A collision between rival demonstrations of Jewish communists and Jewish socialists occurred in Tel-Aviv. Arabs from the neighbouring suburbs of Jaffa joined in the fray and "when the disturbances had once begun, an already acute anti-Jewish feeling extended into an anti-Jewish riot".⁽⁵⁾ The trouble did not spread, martial law was declared and Jewish immigration stopped for a short period. A Commission of Inquiry was appointed. It was under the chairmanship of the Chief Justice of Palestine, Sir Thomas Haycraft. The report of the Commission revealed to the public for the first time the strength of the Arab antagonism to the National Home and the reasons for it. "The fundamental cause of the Jaffa riots and the
(5) Palestine Disturbance May 1921: Commission of Inquiry, p.59.

subsequent acts of violence" wrote the Commissioners, "was a feeling among the Arabs of discontent with, and hostility to, the Jews, due to political and economic causes and connected with Jewish immigration and with their conception of Zionist policy as derived from Jewish exponents. The root of the trouble they maintained was the Arab fear of "steady increase of Jewish immigration, which would ultimately tend to their political and economic subjection".

Certain features of the troubles of 1921 should be noted. First, that the Moslem and Christian Arabs were united in their hostility to the Jews. Secondly, that in the areas of disturbance hostility had not been limited to a particular class, it had been shared by the Arab Community as a whole. Thirdly, that the manner in which the wildest anti-Jewish rumours had spread and the intense excitement they had aroused showed how inflammable was the temper of the Arab countryside, how easily a feeling of discontent or dislike could be raised to the pitch of unreasoning fear and murderous hate. It was clear lastly, that the gulf so suddenly and sharply revealed between the two races was no accidental or temporary phenomenon. The report closed with these words: "Much we feel, might be done to allay the existing hostility between the races if responsible persons on both sides could agree to discuss the questions arising between them in a reasonable spirit, on the basis that the Arabs should accept implicitly the declared policy of the government on the subject of the Jewish National Home, and that the Zionist leaders should abandon and repudiate all pretensions that go beyond it." The suggested discussion never took place because the Arabs will

never whether implicitly or tacitly endorse any policy which has as its basis the erection of a Jewish National Home on an Arab domain.

Sir Herbert Samuel pursued a policy of conciliation. One of his first steps was to accord to the Moslem community the same sort of official recognition as that accorded to the Jews. In March, 1921, he issued an order establishing an elected committee to supervise the administration of the Awkaf and the appointment of the judges of the Shari'a Courts. The terms of this order were severely criticized by the leading Arabs, and in December, 1921, a new order was issued creating a Supreme Moslem Council in whose constitution the government was to have no voice and over whose administration of the Awkaf the government would have no control. But this order did nothing to appease the situation.

The Formula of Economic Absorptive Capacity

To reassure the Arabs and to make the position clear to both parties, the colonial office on June 3, 1922, published a statement of British policy, giving a more precise interpretation of the Balfour Declaration. This statement, which since Mr. Winston Churchill was at the time Colonial Secretary, is usually known as the Churchill Memorandum, stressed:

"(I) That His Majesty's Government did not contemplate either the creation of a wholly Jewish Palestine or the disappearance or subordination of the Arab population, language, or culture in Palestine.

(II) That the terms of the Balfour Declaration did not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be fostered in Palestine.

(III) That for its development on these lines, it was essential that it should have in Palestine a status of right and not of sufferance and that it was for this reason that it should be formally recognized in the Mandate.

(IV) That for the fulfilment of the policy, the Jewish Community in Palestine should be able to increase its members by immigration, it being understood that such immigration should not exceed what might at the time be the economic capacity of the country, that the immigrants should not be a burden on the People of Palestine as a whole and that they should not deprive any section of the present population of their employment."

The Zionist Organization formally accepted the policy set forth in the memorandum; the Arabs, through the mouth of the Palestinian Arab Delegation which was at the time setting forth their case in London, declined to concur in it. The Arab Delegation was unable to accept this statement. In its detailed reply of June 17th, 1922, it wrote: "We can find no reason for this delay (in introducing democratic government) but in the eagerness of the government to allow time to elapse during which the Jews will have increased in numbers and the powers of Zionism become more established in the land..... We are to understand, then that self-government will be granted as soon as the Jewish people in Palestine are sufficiently able through numbers and powers to benefit to the full by self-government and not before The hope is finally expressed in the Memorandum (on British policy) that a policy upon these lines cannot but commend itself to the various sections of the population. We would heartily

wish this were so But what do we see as a result of this policy? Discontent of 93 percent of the population, dislike of the Zionist policy, a strong feeling against those who enter Palestine through the sheer might of England ... against the will of the people who are convinced that these have come to strangle them The fact is that His Majesty's Government has placed itself in the position of supporting a certain policy which the Arab cannot accept because it means his extinction sooner or later."⁽⁶⁾

The formula of the economic absorptive capacity is very ambiguous. Different interpretations by different bodies were made to elucidate its meaning. It certainly could not commend itself to the Arab leaders so long as it is confined to the economic factor and ignores the political side in regulating the Jewish Immigration. The Arab leaders were right in abstaining from concurring on such a vague statement.

The Proposed Constitutional Changes

On July 24th, 1922, the Palestine mandate was confirmed by the League of Nations Council. In spite of the fact that this was an A mandate, it resembled a B mandate in the provision that all powers of legislation and administration were to be invested in the mandatory power. With the promulgation of the Mandate Sir Herbert Samuel found it advisable to confer on Palestine a constitution. In August 1922 by means of an Order-in-Council a constitution was bestowed upon Palestine according to which a Legislative Council consisting of the High Commissioner and twenty two members, ten official and twelve elected, of whom ten were to be Arabs (eight Moslems and two Christians) and two Jews was

(6) Correspondence between the Colonial Office and Arab Delegate.

to substitute the Advisory Council. The elected members were also to form a standing committee to advise the government on all questions of immigration. These twelve members were to be indirectly elected under the Ottoman electoral law. The franchise was to be democratic, equal and universal. The suffrage depended upon no kind of means or educational test.

The Arab leaders could not possibly agree to a Legislature where the High Commissioner had the right to veto all the council's decisions and was bound to exercise the veto if these decisions conflicted with the Mandate. Moreover, the British Crown retained the right to annul all decisions within a year and himself to promulgate laws on all Palestinian affairs. Add to this that in all cases the government would have a majority since the two Jewish members would side with the officials against the Arabs and thus prevent any article of the mandate, referring to the Jewish National Home from being disregarded or evaded. Only in controlling immigration was more power conceded to the popular representatives. On this question the High Commissioner was to consult a committee consisting of not less than half the elected members of the Legislative Council, and thus having an Arab majority. In case of differences of opinion between the High Commissioner and the Committee, the British Secretary of State in London was to decide the issue.

The elections to the Legislative Council in February and March 1923 were boycotted by the overwhelming majority of the Arab population. What annoyed the Arabs still more

was the granting of the Rutenberg concession which gave the monopoly in exploiting all Palestine's chief water power for the generation of electricity and for irrigation to a Zionist company for seventy five years. The fifth Arab Palestine Congress meeting in Nablus, appointed committees to consider economic questions, the establishment of a national bank and the spread of education inspired by a national spirit. Among other things it demanded the protection of the small peasantry against forced sale of their land, the establishment of an agricultural institute and agricultural colleges and the abolition of tithes.

On May 4th, 1923, a supplementary statute to the constitution was promulgated. It declared the elections void and temporarily suspended the articles relating to the Legislative Council.

Sir Herbert Samuel returned to the nominated advisory council system, but composed in the same proportions as had been intended for the elected council. But the Arab members appointed resigned one after the other within a very short time. The government, therefore, abandoned the idea of non-official participation; since 1923, therefore legislation has been effected by the High Commissioner in consultation with an advisory council composed entirely of British officials. But except where immediate action is judged to be in the public interest, all ordinances are published sufficiently in advance to enable the various interested committees to discuss them and, if necessary, to request amendment.

At the same time a further effort was made to secure Arab cooperation. Recognizing that the special position ac-

corded to the Jewish Agency under article 4 of the Mandate placed the Jews upon a footing which the Arabs did not enjoy, in dealing with Arab matters, the government offered the Arabs a parallel Arab Agency. The offer was put to a "fully representative meeting of Arab notables" by the High Commissioner on October 11, 1923. "After an interval for discussion, they expressed themselves unable to accept the proposal, as falling short of the demands of the Arab population".⁽⁷⁾ This attitude was explained to the High Commissioner in a letter from the President of the Executive of the Arab Congress:

"The object of the Arab inhabitants of Palestine is not an Arab Agency analogous to the Zionist Agency. Their sole object is independence. The Arab owners of the country cannot see their way to accept a proposal which tends to place them on an equal footing with the alien Jews."

It had become obvious that the Arab objection was not to the way in which the Mandate might be worked, but to the whole policy of the Mandatory, however exercised, and that by no concession, however liberal, were the Arabs prepared to be reconciled to a regime which recognized the implication of the Balfour Declaration. "Towards all these proposals the Arabs have adopted the same attitude - refusal to cooperate. His Majesty's Government have been reluctantly driven to the conclusion that further efforts on similar lines would be useless and they have accordingly decided not to repeat the attempt."⁽⁸⁾

⁽⁷⁾ White Paper.

⁽⁸⁾ Concluding Paragraph of the White Paper.

The Arab leaders in pursuing a policy of non-cooperation with the government so long as the latter adhered to Balfour Declaration proved to be unsound. The Legislative Council with all its defects should have been accepted by the Arabs. It would have given the Arabs a voice in the government of Palestine and a good start for future political development of the people. In it the Arabs were conceded the rights to control Jewish immigration since the Committee to deal with this vital problem should be composed of not less than half of the elected members, that is an Arab majority. Never were the Arabs of Palestine granted such an opportunity to participate in running the government of the country at a time when they constituted a majority of ninety percent.

A second hasty decision was committed by the Arabs when they refused an Arab Agency similar to the Jewish Agency to represent the interests of the Arabs before the Mandatory. The Arab leaders thought that by this perpetual refusal to cooperate with administration, the Mandatory will be induced to grant them greater political concessions, which proved not to be the case. The action of the Arab leaders in these two cases is very objectionable and proved to be detrimental for the Arab Cause. Had they reversed their policy and accepted the Legislative Council and an Arab Agency they would have much more helped in acquainting the Mandatory with the grievances of the people.

The Building of the National Home

Turning to the other side of the picture - that of building up a Jewish National Home - the Mandatory power began to give effect to what the Churchill Memorandum designed as the

economic absorptive capacity of the country. Between September, 1920, and May, 1921, the date of the Jaffa disturbances, some 10,000 Jews had landed; and in June, 1922, the number of immigrants admitted during the British occupation had reached a total of 25,000. In 1925 the total number of Jews in Palestine reached 150,000, that year being the witness of the arrival of 33,801 Jewish immigrants. These newly arrived immigrants were attracted by social as well as national enthusiasm. They wanted at once to till the soil and to introduce new and better social institutions. Jewish agriculturalists introduced modern methods and machinery into Palestine, and strove to assimilate all the experience and discoveries of recent years. Large tracts of land were acquired after the war, especially in the fertile plains along the coast and in the long lying strip between Haifa on the one hand and the Jordan and Lake Tiberias on the other. Besides the older settlements with their individualist ownership and economy, and the new ones of a similar type which sprang up around them, a new kind of settlement appeared. Some were communal settlements, built up on the principle of communal life and production, others were settlements of small peasantry, where property and cultivation is individual, but where there is a large measure of cooperation in a number of branches of cultivation and in marketing, and where the principle of family labour has been introduced and the employment of wage labour on the farm is forbidden by statute. All this has been rendered possible by the support of Jews all over the world. In this period the Jews have spent nearly £10,000,000 on agricultural settlement at one, about half

through national societies.

A separate Jewish urban industry hardly existed in Palestine before the War. That was the creation of the Post-war era. Tel-Aviv, which in 1918 was a small residential suburb of Jaffa, with a population of 3,000, rapidly grew to a city densely populated. Modern Jewish quarters sprang up round Jerusalem, Haifa and Tiberias. In Haifa and Tel-Aviv, moreover, modern Jewish industry arose. Preparations were begun to exploit the mineral wealth of the Dead Sea and the moment approached for the construction of the great central power station of the Rutenbury Company on the Jordan and the Yarmuk.

Hebrew was recognized as an official language with Saturdays as days of rest for the Jewish Community. At the same time in the year 1924 the Treaty of Peace between the Allied Powers and Turkey, concluded at Lausanne in 1923 was ratified. The sovereignty of Turkey was definitely abrogated and the international status of Palestine as a mandated territory was perfected. This enabled the Mandatory to promulgate a special Nationality law, according to which all ex-Ottoman subjects permanently residing in Palestine became Palestinian citizens. The Nationality law paid due regard to the special status of the Jewish arrivals so that they may acquire early the Palestinian citizenship.

A new avenue of appeal was opened in the year 1924. For the first time His Britannic Majesty's Government was required to submit the annual report of its trusteeship to the Council of the League of Nations. The Mandates Commission was somewhat critical about the quality of Jewish immigration to Palestine. After taking note of the divergence

which brings the Zionists and the Arab population into conflict on the subject of immigration, it remarked that elements of the new population, however great their ardour and Zionist zeal, and their desire to contribute to the Jewish National Home, were not prepared either by technical training or by tradition for manual, and particularly agricultural work. On the 6th of October, 1924, the Executive Committee of the sixth Palestine Arab Congress presented a memorandum to the League of Nations. It contained, besides complaints of the refusal of constitutional liberties, a detailed criticism of the government's economic and financial policy. The Executive reproached the government with having so impaired the condition of Arab agriculture by various legislative measures, and especially by closing the Ottoman Agricultural Bank, that Arab farmers were compelled to sell large tracts of land to the Zionists.

In the summer of 1925 Sir Herbert Samuel left Palestine. In his report on his five years of office he was able to point out that the peaceful condition of the country had rendered possible a continual diminution of the British garrison. His successor, Field Marshall Lord Plumer, was able to carry on this policy of dispensing altogether with the military garrison in Palestine, the police force was simultaneously reorganized and reduced. These conditions, which continued until the disturbances of 1929, did not receive the entire approval of the Permanent Mandates Commission. At its Ninth Session in 1926 it drew the attention of the Mandatory to the "danger of not maintaining adequate local

forces".⁽⁹⁾ At its Sixteenth Session in July 1929 the High Commissioner reassured it that the "resources at the disposal of the Government" were sufficient to deal with any situation that was "likely to arise".⁽¹⁰⁾ At its Seventeenth Session - the special session on the 1929 disturbances - it was therefore in a position "to reprimand the Mandatory for the inexplicable fact of failure to ^{heed} its increasing warnings".⁽¹¹⁾

The Peaceful Period of Lord Plumer

During his term of office which lasted until 1928 Lord Plumer continued the British policy hitherto pursued of steering a middle course between the demands of the Arabs and Jews. He was chiefly concerned with the country's financial and administrative consolidation: financially Palestine became entirely self-supporting and ceased to burden the British Treasury. The construction of the port of Haifa began, and the road system improved. On the other hand, no attempt was made during Lord Plumer's period of office to conciliate Arab-Jewish differences. Lord Plumer seemed chiefly concerned to secure the financial and strategic position of the British Empire in Palestine, not in order to solve the country's own problems, but from the wider point of view of British imperial communications.

Apart from these the most striking feature of the period was the severe economic depression which lasted from the end of 1925 until 1928. This was later put down both by the Shaw Commission on the 1929 disturbances and by the government to the exceptional volume of immigrants in the preceding years,

(9) P.M.C.: Minutes of 9th Session; p.184.

(10) P.M.C.: Minutes of 16th Session; p.80.

(11) P.M.C.: Minutes of 17th Session; p.28.

and can in part be attributed to the collapse of the Polish currency in 1925, which stranded many immigrants without resources. It is noteworthy to point out that the total number of Jewish arrivals in 1926 were 13,081 immigrants but 7,365 Jews left the country by the end of the year. In 1927, 2713 immigrants landed in Palestine but in the same year 5071 emigrants left and in 1928 the number of arrivals and quitters were approximately equal, for in that year 2,178 Jews immigrated to Palestine while 2,168 emigrated out of Palestine. It is significant that the Peel Commission reporting in 1937 saw in "the sharp decline in the fortunes of the National Home" the main cause of Arab quiescence during this period.(12) At the same time the opinion is held by some that this quiescence was due to the firm administration of the then High Commissioner, Lord Plumer.

The calm which prevailed enabled the Mandatory to proceed with administrative reforms, the chief of which, so far as the fulfilment of the Mandate was concerned, was the Municipal Franchise Ordinance of 1925; the resultant municipal elections took place in 1927, and "aroused keen popular interest and, in many places, a factious spirit, but were carried out in an orderly manner".(13)

In 1928 and again in 1929, Arab delegations petitioned the High Commissioner for the establishment of an elective parliament, and during the summer of 1929 Sir John Chancellor, the new High Commissioner, returned to London to discuss the matter with the colonial office.

(12) Peel Report; page 64.

(13) Report for 1927; page 4.

The Disturbances of 1929

It was during his absence (Sir John Chancellor) that there took place the really serious disturbance - the first since 1921 - which put an end to the illusion that all was going well.

The immediate result of the outbreak was the abandonment for the time being of all progress towards self-government; the long term result was "the ventilation of sentiments"⁽¹⁴⁾ which showed clearly that the conflicting claims of Arabs and Jews and the difficulties of the Mandatory in carrying out the dual trust had grown greater rather than less with the years.

The first obvious sign of unrest was the so-called wailing wall incident which took place on the eve of the Day of Atonement September 24, 1928. "In accordance with the immemorial usage" Lord Peel writes "a service was held on that day in front of the wailing wall, a lofty wall of massive stone blocks which is sacred to the Jews as having once been part of the Temple exterior, and sacred to the Moslems as constituting the western face of the platform of the Haram El-Sharif. It is a Moslem property; but since the Middle Ages if not earlier times, the Jews have enjoyed the right of access to the narrow pavement below the wall in order to pray there. But the Moslem authorities had insisted, and the Turkish government had agreed that no chairs, benches, screens and so forth were to be set up on the pavement. The British administration, mindful of its obligations under article 13 of the Mandate had decided strictly to maintain the status quo, when, therefore, it was reported on the

(14) Report for 1929.

evening of the 23rd September that the Jews had introduced a screen to divide the men from the women, orders were given for its removal. But the Jews did not remove it, and it was forcibly removed by the police in the course of the service on the 24th."⁽¹⁵⁾

The Moslems became fearful of the Jewish intentions toward the Holy Places. A telegram was sent to the King "declaring that there were repeated encroachments by Jews at the wall"⁽¹⁶⁾ and the Mufti addressing the officer acting for the absent High Commissioner, declared in the name of the Supreme Moslem Council the Moslem belief "that the Jews' aim is to take possession of the Mosque of Al-Aqsa gradually. On the 1st November a General Moslem Conference met, the Mufti of Jerusalem presiding. It addressed further protests to the League of Nations and resolved to establish a "society for the Protection of the Moslem Holy Places". Add to this that building operations were carried out by some Moslems which the Jews believed to be deliberately intended to interfere with their devotions. An attempt by the government to settle the various questions in dispute by mutual agreement between the two communities was rendered impossible due to Jewish reluctance to accept the status quo policy.

Meanwhile politics began to play their part in alliance with religion. The Arab Executive set itself early in 1929 to bring about a revival of nationalist agitation throughout the country; and for that purpose branches of certain Moslem societies were established in the larger provincial towns.

⁽¹⁵⁾ Peels Report; pages 65-66

⁽¹⁶⁾ Shaw Report; page 30.

The primary objective of the Arab Executive is the old demand of establishing a national self-government. Meanwhile the Zionist Organization addressed a protest to the League of Nations against the removal of the screen, took occasion to repudiate in vigorous terms the suggestion that the Jews intended "to menace the inviolability of the Moslem Holy Places", and in an open letter to the Moslems of Palestine the Va'ad Leumi, while asking that the Jewish rights at the wailing wall should be respected declared "emphatically that no Jew has ever thought of encroaching upon the rights of Moslems over their own Holy Places".(17) But the Moslems never denied the Jews the right of access to the so-called wailing wall. They were sure toward the Jews' bad intentions in their refusal to comply to the status quo policy, so that gradually they will take possession of the Mosque Al-Aqsa in order to re-erect the Temple.

This was only the prelude to much more serious disturbances which took place in August 1929. Many people have criticized the Mandatory for having failed to realize the acuteness of the situation and for being so unready for what took place.

On August 15 a Jewish demonstration, organized by enthusiasts from Tel-Aviv, was held at the wailing wall. On the next day, Arab counter demonstration led by enthusiasts from Nablus, did likewise - Tel-Aviv and Nablus are the strongholds of Jewish and Arab nationalism respectively - and the demonstrations took place in an atmosphere of considerable excitement, stimulated by the protests against Jewish action in con-

(17) Shaw Report; p. 30.

nection with the wailing wall and by leading articles in Arab newspapers expressing Arab fears of Zionist intentions. Disturbances subsequently took place all over the country, the most serious outbreaks occurring at Hebron, Jaffa and Haifa, where some Jews were attacked and murdered. These were countered by Jewish attacks on Mosques in Jaffa and Jerusalem. The government was totally unable to control the situation, reinforcements being urgently demanded from Egypt and Malta. In all, 133 Jews were killed and 339 wounded, and six Jewish colonies were totally destroyed, while there were 116 known Arab deaths. During the subsequent proceedings before the court of first instance, twenty six death sentences were confirmed, twenty five of them upon Arabs, one upon a Jew. All but three of these sentences - all on Arabs - were commuted to terms of imprisonment.

The responsibility of the fierce outbreaks which occurred in 1929 falls on the Jewish community, the Arab community and the administration of Palestine. The Jewish community were responsible for the outbreak of the disturbances because they did not comply to the status quo policy but brought screens and chairs to the wailing wall, an innovation which the Moslems feared to become a permanent tradition at every day of atonement. The Jews were also responsible for organizing a demonstration at the wailing wall which excited the Arab temper. The responsibility of the Arab community as to the outbreaks resulted from their associating the wailing wall incident for political purposes. They organized a counter demonstration in order to show that they are yet aware of the implications of the Balfour Declaration and their fear

of the Zionist domination.

The government is responsible for not pursuing an active policy and interdict the demonstrations which both the two communities organized. The failure of the government to have adequate forces at its disposal to take quick action when the disturbances began greatly caused the deterioration of the situation.

On September 1 the High Commissioner, who had been on leave when the disturbance took place, but had returned in haste to Palestine, issued a proclamation deploring the outbreak and announcing the suspension of the discussions on constitutional changes which in accordance with an undertaking given to the Arab Executive, he had initiated with the secretary of state for colonies.

The two disturbances caused a long and complicated series of inquiries by the British government, both on its own initiative and at the request of the Permanent Mandates Commission, so that on September 14, the colonial office announced that a Commission of Inquiry with Sir Walter Shaw as chairman, would at once proceed to Palestine "to inquire into the immediate causes of the recent outbreak and to make recommendations as to the steps necessary to avoid recurrence". It was stressed that the terms of reference of the Commission did not extend to considerations of major policy.

The Report of the Shaw Commission

With regard to the past, the Commission found that the outbreak had its fundamental cause in the Arab feeling of animosity and hostility towards the Jews arising from the fear that, by Jewish immigration and land purchase under the Jewish National Home project, the Arabs might be deprived of

their livelihood and eventually pass under Jewish domination; the similarity with the findings of the Haycraft Commission on the 1921 disturbances is interesting.

The Report explicitly stated that in the opinion of the Commissioners the Arab attack was "neither provoked, premeditated, nor directed against the British administration". It found that the Mufti of Jerusalem and the Arab Executive in their collective capacity did not plan or incite the disturbances, that the Mufti should not have launched his campaign on the wailing wall issue and that he and his Executive should have controlled their followers before the explosion. It also exonerated the administration in its handling of the dispute before reinforcements arrived from Egypt and Malta.

As to the future, in the light of the disturbances and of its extensive inquiries in Palestine, the Shaw Commission's chief recommendations were:-

*1. That the British Government should issue a clear statement of policy defining the meaning it attached to the passage in the Mandate concerning the safeguarding of the rights of non-Jewish communities and laying down more explicit directions as to the conduct of policy on such vital issues as land tenure and immigration.

2. That the Government should make a clear statement regarding Jewish immigration, and should review the machinery for its regulation and control with the object of preventing a repetition of the excessive Jewish immigration of 1925 and 1926. That non-Jewish interests should be given some voice in the discussions on immigration.

3. That a scientific inquiry should be held into land

cultivation and settlement possibilities. That pending this inquiry the eviction of peasant cultivators from the land should be checked.

4. That as regards the Zionist Organization the government should reaffirm the statement made in 1922 that the Organization's special position did not entitle it to share in any degree in the Government of Palestine. That the government should if possible lay down some precise definition of the meaning of article 4 of the Palestine Mandate.

5. That it was essential to the peace and security of Palestine that a commission should be appointed to determine the rights of both parties at the wailing wall.

6. That the Government should introduce press legislation enabling them to obtain conviction on articles tending to a breach of the peace.

7. That appropriate advisors of His Majesty should advise as to the most suitable form of garrison for Palestine. That no reduction should be made till then in the existing garrison. That an independent inquiry should be made into the Department of Police. That the Palestine Government should be instructed to inquire into and report on the possibility of forming a reserve of special constables."

Repercussions of the Shaw Report

The Arabs viewed with favour the recommendations of the Commission. It would have been of greater importance if the terms of reference of the Commission were not confined to the direct causes of the disturbances, but were extended so as to tackle the grievances of the Arabs inherent in the Mandate. But that was impossible. The problem was, whether

the government was prepared to endorse the recommendations of the Commission or not; and that was for the succeeding years to tell.

By the time the Shaw Report was published, in April 1930, the recommendations regarding the wailing wall had already been put into effect.

In November, 1929, the British Government had delivered to the League for communication to the Permanent Mandates Commission a proposal for a commission appointed under article 14 of the Mandate "to study, define and determine the rights and claims of Jews and Moslems at the western or wailing wall". (An earlier attempt to implement article 14 by the appointment of a Holy Places Commission had failed in 1923, when the League Council had - owing to failure to secure agreement as to the representation of the confessions upon such a Commission - turned down the British proposals.) But with reference to the immediate issue of the 1928-29 disturbances, the plea was more successful, and on May 15, 1930, the Council approved the appointment of the Commission. Their report, which generally speaking confirmed the status quo, was published in June 1931, their recommendations were implemented by an Order-in-Council in accordance with which order at the wall has since been maintained.

Meanwhile the Arab political leaders were active. An Arab delegation selected by the Palestine Arab Executive, arrived to London on March 30, 1930. On May 12, 1930, the Delegation issued a statement to the effect that the British government had rejected its demands, namely (1) cessation of immigration, (11) a declaration that Arab lands were in-

alienable, (iii) the establishment of democratic government with representation on a population basis. On May 13, the British Government declared that the "sweeping constitutional changes" demanded by the Arabs were incompatible with the requirements of the Mandate.

On September 23, 1929, immediately after the disturbances, the British Prime Minister had received through Dr. Weizmann the main demands of the Zionist Organization and Jewish Agency. These included a demand that the persons and property of Jews in Palestine should be safeguarded, and the suggestion that an adequate number of Jews should be introduced into the defence force of the country. Further it suggested that the Mandatory, in order to fulfill the promise contained in the Mandate and the Balfour Declaration, should try and improve economic conditions so as to allow for increased Jewish immigration and colonization for which a further economic opening up of the country was necessary.

On April 3, 1930, the Prime Minister (Mr. Ramsay MacDonald) made a statement of policy in the House of Commons which was no more than a reiteration of the terms of the Mandate. He added that the government was studying the Shaw Commission's recommendations, and was in the meantime immediately providing adequate police forces.

As is its practice when unusual occurrences disturb the peace in a mandated territory, the Permanent Mandates Commission decided to hold an extra-ordinary session, on the Palestine disturbances in June 1930, and to this the British government submitted a special statement with regard to policy, reiterating the Mandatory's intention to fulfill the triple

pledge inherent in the Mandate, but pointing out the difficulties of promoting self-government in a country where racial animosity is so strong.

The Permanent Mandates Commission, which had before it this statement, the Shaw Report and the supplementary information supplied in committee, strongly criticized the British government's execution of its task. As regards the Shaw Report, it rejected the view that the outbreak was unexpected and unmediated, and that it was not directed against British authority. It held that with a little foresight many incidents could have been avoided, and that the inaction of the Mandatory Power was the fundamental cause of a disturbance of such dimensions. It criticized the British policy pursued, ^{rightly} declaring that "insufficient attention had been paid to the social and economic adaptation of the Arab population to the new conditions due to Jewish immigration; the Arabs had every cause for dissatisfaction on this score. Moreover, despite its warnings the Mandatory had maintained forces so inadequate as to fail to secure "the essential condition for development of the Jewish National Home, security for persons and property. It also argued that more might have been done to bring about the "economic fusion of interests which is possible means of developing a sense of solidarity and blunting the edge of antagonism". The British government in its reply stated "that the Commission scarcely appreciated the complexity of the problem as encountered on the spot and that its previous comment on British policy could not be said to have foreshadowed these serious charges".

Meanwhile, two important steps had been taken to put the

Shaw recommendations into effect; between January and March, 1930, the Palestine Police Force was reorganized. Substantial increases were made in the British personnel, and special steps were taken to protect exposed Jewish settlements. Two British infantry battalions were for the time being retained in Palestine, in fact the garrison remained at its strength until the disturbance of 1936.

Simpson's Commission

The second important step was the appointment in May, 1930, of Sir John Hope Simpson, formerly of Indian civil service, to inquire into land settlement, immigration and development. Pending the publication of his report, the undistributed balance of immigration certificates under the 1930 schedule was suspended. This last measure was strongly resented in Zionist circles, the Jews appealing to the British government "to reopen the Gates of Palestine and thus reaffirm the rights of the Jews to return to their National Home".

Sir John Hope Simpson spent three months in Palestine, and his Report, together with an accompanying Government Statement of Policy based on its conclusions, was published on October 20, 1930.

Sir John Hope Simpson in his scientific investigation sought to establish facts and figures about the possibilities of settlement of the land. In the first place, the cultivable area of the land shrunk under his inquiry from some 9 million dunams (2½ million acres), which had been the estimate hitherto, to some 6½ million dunams. He excluded from the estimate the Beersheba region in which possibilities were problematical until further sinking for artesian wells was carried. The

Beersheba Plain, which comprised over 3 million dunams, was left out of account; but it was noted that given the possibility of irrigation, it afforded a vast area of cultivable land. Of this cultivable area 5 million dunams lay in the five Plains, namely the Maritime Plain, the Acre Plain, the Vale of Esdraelon, the Huleh Plain and the Plain of the Jordan, the soil of which were fitted for intensive development by plantation. Moreover, the Report revealed that in the actual state of cultivation the holding of a family should be 130 dunams. The Jews were in possession at that time of one million dunams in the cultivable area, leaving $5\frac{1}{2}$ millions to the Arabs. The Arab population in 1930 was approximately 800,000 or 170,000 families, assuming that a family consists of 5 persons. It is well established that 55 percent out of the total Arab population lives on agriculture. Therefore, if 85,000 (half of the Palestine Arabs) are multiplied by 130 the holding of a family, the Arabs would be in need of 11,000,000 dunams, half of what they possess according to the Simpson Report.

Therefore Sir John Hope Simpson declared that: (1) If all the cultivableland in Palestine were divided up among the Arab agricultural population, there would not be enough to provide every family with a decent livelihood. (2) Until further development of Jewish land and of irrigation had taken place and the Arabs had adopted better methods of cultivation, there is no room for a single additional settler if the standard of life of the fellaheen is to remain at its present level". On state lands similarly, there was no room pending development, for Jewish settlers.

But Sir John Hope Simpson went on to record his "personal belief that with thorough development of the country there will be room, not only for all the present agricultural population on a higher standard of life than it at present enjoys, but for not less than 20,000 families of settlers from outside. In order, therefore, to carry out the obligations of the Mandate towards both Arabs, and Jews he recommended "an active policy of agricultural development, having as its object close settlement on the land and intensive cultivation by both Arabs and Jews". In the uncultivable areas he recommended that the government should make all sorts of experiments as to the possibilities of irrigation.

Dealing with immigration to solve industrial problems Sir John wrote that "there is in certain quarters an optimum with regard to the industrial possibilities of Palestine which is founded chiefly on hope, partly on conviction. It has been quite seriously argued that the more immigrants arrive, the more employment there will be for those whose occupation it is to build houses. From such a point of view, it is true that the introduction of capital and labour will be for those whose occupation it is to build houses.... But it is the duty of the government to look further than the immediate present. There seems no reason why a textile industry on the grand scale should be a success in Palestine, with labour paid at the rates fixed by the general federation of Jewish labour, while the mills of Japan and of Bombay, equipped with the most modern machinery and employing the cheapest of labour, are unable to find sufficient markets for their goods.... But the Government is responsible not only for the

present, while the imported capital is supporting the new population, but for the future, when spending of the imported capital will be at an end and the immigrant will have to live on employment, which will then be dependent on the success of the mill in competition with the mills of the world."⁽¹⁸⁾

Accordingly Sir John was clearly opposed to the admission of any more Jewish immigrants as settlers on the land. Nor was he much more encouraging to Zionist capitalists with regard to industrial immigration. The author of the Report was convinced that Arab unemployment was "serious and widespread". And "it is wrong" he argued "that a Jew from Poland, Lithuania, or the Yemen, should be admitted to fill an existing vacancy, while in Palestine there are already workmen capable of filling that vacancy who are unable to find employment".

The Report of Sir John Hope Simpson depicted the situation as it was, with possible recommendation for the future. It revealed that Palestine cannot absorb any more immigrants, for such an action would be detrimental to the Arabs not only from the political side, for that goes without saying but also from the economic point of view. For the future the Report insists that intensive cultivation should replace extensive cultivation. The introduction of a system of large scale irrigation; with a thorough survey and regulation of water supply is indispensable, if more room for future immigration is to be created. On industrial enterprise Sir John believes that the prospects of its success are negligible.

The White Paper of 1930

In October, 1930, concurrently with the Hope Simpson
(18) Simpson Report; pages 116-117.

Report appeared a "statement of Policy by His Majesty's Government in the United Kingdom", soon to be known as the "White Paper". In the statement, the British Government declared that their previous statement of June 1922 provided "the foundation upon which future British policy in Palestine must be built up". They also declared that they had 'always regarded as totally erroneous' the conception that "the principal feature of the Mandate" was the passage regarding the Jewish National Home, and that the passage designed to safeguard the rights of the "non-Jewish" community were merely secondary consideration, qualifying, what was acclaimed to be the primary object for which the Mandate had been framed".⁽¹⁹⁾ It declared that the promise of the two sections of the population were of equal weight and were not irreconcilable.

In the matter of security, they announced their decision to retain in Palestine, for the time being two battalions of infantry besides the two squadrons of aircraft and four sections of armoured cars which would be available in Palestine and Transjordan.

In the matter of constitutional development they submitted as the considered opinion of His Majesty's Government, "that the time had now come when the important question of the establishment of a measure of self-government in Palestine must, in the interest of the community as a whole, be taken in hand without further delay". The statement of policy went on to announce the intention of setting up a Legislative Council generally on the lines indicated in the statement of policy of June 1922. "In view of the fact that the first

(19) Toymbee, 1930; page 203.

experiment of the kind had been frustrated by a non-cooperation movement on the part of one of the two communities constituting the Palestinian people - on that occasion the Arabs - the British government added in the statement of October 1930, that this time "all possible steps would be taken to circumvent any attempt" to prevent them from giving effect to their decision.

In the field of economic and social development, they accepted and adopted Sir John Hope Simpson's more important conclusions concerning matters of fact and propounded certain policies on this basis. They adopted the conclusion that a "more methodical agricultural development of the Mandated territory was called for with the object of ensuring a better use of land; they announced that they were studying financial ways and means of carrying this development out and prescribed that both Arabs and Jews were to share in the benefits of this development. And they declared that transfer of land would "be permitted only in so far as they did not interfere with the plans of that authority" which was to be the Palestine administration.

With regard to immigration, the statement declared that the principles enunciated in the statement of 1922 rendered it "essential that, in estimating the absorptive capacity of Palestine at any time, account should be taken of Arab as well as Jewish unemployment in determining the rate at which immigration should be permitted; and they announced their intention to take steps to ensure a more exact application of these principles in the future". The statement interpreted article 6 of the Mandate to mean that "if immigration of Jews resulted in preventing the Arab population from obtaining the work

necessary for its maintenance, or if Jewish unemployment unfavourably affected the general labour position, it was the duty of the Mandatory Power under the Mandate to reduce, or, if necessary to suspend, such immigration until the unemployed portion of the other sections of the population was in a position to obtain work.

It is absurd to say, as did the White Paper of October 1930, that the Mandatory always viewed with equal weight the double obligation embodied in the Mandate for Palestine. That the principal feature of the Mandate was and is the erection in Palestine of a National Home for the Jews is quite plain. The primary importance of the statement of 1930 lay in the fact that for the first time the British government abandoned - at least in theory - their conception of viewing the Jews as the privileged section of the population. It stresses the point that in future in dealing with any problem of vital importance, the Mandatory will observe the interests and points of view of both Arabs and Jews. In constitutional matters the British proposals are the same as those of 1922. It would have been more appreciable if the Mandatory power had affected more advanced and offered more powers to the proposed Legislative Assembly than it actually did. But did the Mandatory pursue the policy embodied in the White Paper? The answer to this question revealed to the Arabs the influence of "world Jewry" in English politics.

CHAPTER VII
POLITICAL EVOLUTION OF PALESTINE
1931-1942

The "Black Paper" of 1931.

The publication of the Hope Simpson Report and White Paper had immediate and serious consequences. Dr. Weizmann protested that the "White Paper" was inconsistent with the terms of the Mandate and in vital particulars marks the reversal of the policy hitherto followed by His Majesty's Government in regard to the Jewish National Home". He, at the same time, informed the Secretary of State for Colonies, of his resignation of the joint office of President of the Zionist Organization and the Jewish Agency. Other eminent Zionists also resigned their posts in the Zionist administration. Their attitude was openly supported by leading politicians. On October 30, 1930, three leading members of the Opposition - Mr. Baldwin, Sir Austen Chamberlain and Mr. Amery - writing to the Times, "deplored the Government's failure to fall in with Dr. Weizmann's proposals for a round table conference between Jews and Arabs and accused the Government of abandoning the policy embodied in the Mandate". General Smuts telegraphed a protest to the Prime Minister, and on legal grounds Sir John Simon declared the statement to involve a departure from the Mandate.

It was evident that some attempt at conciliation must be made; and on November 14, 1930, it was announced that "doubts having been expressed as to the compatibility of some passages of the White Paper of October with certain articles of the Palestine Mandate, and other passages having proved liable to misunderstanding, His Majesty's Government" had "invited members of the Jewish Agency to confer with them on these

matters"⁽¹⁾. As a result of these discussions there was published on February 14, 1931 a letter from Mr. Ramsay MacDonald, the Prime Minister, to Dr. Weizmann, which completely changed the whole situation.

This letter, known as the Black Paper, which was published "in order to remove certain misconceptions and misunderstandings which have arisen as to the policy of His Majesty's Government in Palestine" was to be regarded as the authoritative interpretation of the White Paper "on the matters with which it dealt". "A good deal of criticism has been directed to the White Paper upon the assertion that it contains injurious allegations against the Jewish people and Jewish Labour Organizations. Any such intention on the part of His Majesty's Government is completely disavowed." On specific points, the "Landless Arabs", who by the White Paper were given first claim on the state lands previously pledged in the Mandate for "close settlement by the Jews", were now limited to "such Arabs as can be shown to have been displaced from the lands which they occupied in consequence of the lands passing into Jewish hands, and who have not obtained other holdings on which they can establish themselves, or other equally satisfactory occupation". "Further, the statement of policy of His Majesty's Government did not imply a prohibition of acquisition of additional land by Jews What it does contemplate is such temporary control of land disposition and transfers as may be necessary not to impair the harmony and effectiveness of the scheme of land settlement to be undertaken." "His Majesty's Government did not prescribe and do not contemplate

(1) Great Britain and Palestine; page 51.

any stoppage or prohibition of Jewish immigration in any of its categories." Finally, "His Majesty's Government do not in any way challenge the right of the agency to formulate or approve or endorse the principle that in all works or undertakings carried out or furthered by the agency, only Jewish labour should be employed".

This Black Paper contains a complete reversal of policy. The interpretation of the statement of policy of October, 1930, is in reality a return by the Mandatory power to the old policy of viewing the erection of the Jewish National Home as the essential condition of the Mandate. It threw away the recommendations of Commissions of Sir Walter Shaw and Sir John Hope Simpson. It also contradicted the very paper which it was intended to interpret and lastly the explanatory letter is an impressive demonstration of the political power the Zionists could mobilize in England.

Upon the publication of Mr. MacDonald's letter the roles of the Jews and of the Arabs were immediately reversed. Dr. Weizmann announced that this "statement of policy has, in my opinion, re-established the basis for that cooperation with the Mandatory Power on which our policy is founded". To the Arabs the substitution of the "Black Letter" for the "White Paper" was plain proof of the power which World Jewry could exert in London, and such confidence as they might previously have had in British determination to do at least what justice could be done under what they have always regarded as an unjust Mandate was seriously shaken. The President of the Palestine Arab Executive denounced the letter as a breach of faith, in which the policy of the White Paper had been thrown over.

The Situation from 1931-1933

Towards the end of 1931, a new High Commissioner, Sir Arthur Wachope, was appointed. He endeavoured to "bring the two peoples of Palestine and the administration into closer touch with each other".⁽²⁾ The High Commissioner succeeded, for a while, in getting Jewish and Arab unofficial members to work together on the Agricultural Council, the Road and Railway Boards, the Labour Legislation Committee, and the Standing Committee for Commerce and Industry, the cooperation being at its best among government officials, particularly among postal and railway employees.

A representative institution in the shape of the promised Legislative Council seemed as far away, as ever, but the Mandatory opened a different line of approach - municipal autonomy. In 1932 the High Commissioner announced to the Permanent Mandates Commission that the Council would be established "when the new Local Government Ordinance has been brought into working I hope ... early in 1933"⁽³⁾. But the Ordinance did not finally enter into force until January 12, 1934. The municipal elections, which had been due to be held in 1930, but which had been postponed because of the 1929 disturbances, were held during the year, and by the beginning of 1935, twenty newly-elected councils were in being, "wherein representative Palestinians of all communities and races might acquire training in the common management of public affairs under a modern code of municipal legislation".⁽⁴⁾ But this was not something new to the Arabs, they have had such a privilege at the time

(2) Statement to the Permanent Mandates Commission, 1932, 22nd Session; p.80.

(3) P.M.C. 22nd Session; p.82.

(4) Report for 1937; p.7.

of the Ottoman Turks and possess enough experience and talent in running such municipal councils. What they demand is a self-governing institution, which they have been denied by the policy followed by the Mandatory.

But the Jews and Arabs actively working for cooperation were few in number, and there was plentiful evidence of continued high feeling. Perhaps the most reliable indication of this was the government security policy; between 1929 and 1936 they did not see fit to reduce either the garrison or the police forces.

Since the turn of the tide in 1928 the fortunes of the National Home had been steadily, if slowly, rising. In 1929 the number of Jewish immigrants was 5,249, in 1930, 4,994 and in 1931, 4,075. But against this slight decline in immigration stood a marked decline in emigration. The number of Jewish emigrants in those same years was 1,746, 1,679 and 666. And then in 1932 the immigration figure rose to 9,553, the first of the four consecutive leaps which were to transfer the situation by the beginning of 1936. No emigration figure for Jews as distinct from other races was compiled in the years 1932 to 1934, but in 1935 Jewish emigration had sunk to the negligible total of 396. Nor was that the whole picture. For some years past a growing number of Jews had been entering Palestine and remaining there in violation of the law, either by obtaining travelers' passports and outstaying the time of residence permitted or by smuggling themselves in by land and sea. In 1931 the Government decided to accept the fait accompli and allowed some 6,000 Jews, who admitted their illegal presence in the country to be registered as immigrants.

But the irregular inflow continued. When the improved system of control came into force, it was discovered that the number of "travelers" entering and illegally remaining in the country in 1933 ran into thousands, and to that was to be added a number of "self smugglers".

The Disturbances of 1933

These figures of illicit immigrants aggravated the fears of the Arabs. They began to believe that the government in no way tried to stop such illegal immigration. Closely associated with this is the increase in the cases of Arab peasants being displaced owing to increase of Jewish purchase of lands. The unrest began to take various forms; in August 1930 there was a minor Arab outbreak at Hablus, and the years 1930 and 1931 were marked by a series of murders of Jews by unknown assassins. The Arab press continuously reminded the people of the seriousness of Jews infiltrating to Palestine by illegitimate means. This state of affairs continued, when in March 1933, the Arab Executive Committee published a manifesto to the Arab Nation. It declared that "the general tendency of Jews to take possession of the lands of this holy country and their streaming into it by hundreds and thousands through legal and illegal means has terrified the country". The country, it went on, was fully aware that the object of the Government's policy was "to pave the road for driving the nation away from its homeland for foreigners to supersede it", they "will not expect any good from this Government and its oppression" and "it will be looked upon as the true enemy whom they must get rid of through every legal means". The manifesto concluded with an announcement of a meeting to be held at Jaffa and appealed to

the nation "to get ready for the serious acts which will be imposed by the resolutions of this assembly". "The country calls its sons for action and sacrifice in these hard times". The meeting was held on the 26th of March and attended by some five or six hundred Arabs of all classes, townsmen and villagers alike, and of all parties, by the members of the Arab Executive, including the Mufti of Jerusalem, and by the Mayors of most of the Arab towns. Resolutions were passed adopting "the principle of non-cooperation" and ordering "the immediate execution of its first steps forthwith, such as boycotting receptions and exchange of courtesies with Government Boards, British goods and Zionists goods, products and commercial premises", and the formation of a committee to study ways and means for a wider application of the "non-cooperation principle".

The Arabs lost all their patience and temper. They began to think that the Government was flooding the country with Jews with the object of displacing Arabs from the land and depriving them of their employment. They believed that a mass immigration of Jews was being allowed and encouraged by the Government so that when the Legislative Council was introduced the Jews would be in a majority. Finally, early in October, the Arab Executive, announced that a "general strike" would be declared on the 13th of October and a demonstration made at the government offices at Jerusalem. Despite the government prohibition, the demonstration was attempted on the appointed day. In the course of the next few weeks the trouble spread to other parts of Palestine. On the 27th October there was a serious outbreak at Jaffa. So excited and nervous was

the temper of the Arab rioters that they were fearless of anything that stood in their way. The news of these events quickly reached Nablus where public buildings were attacked and the police stoned. Similar disturbances occurred in Haifa. On the 28th and 29th rioting broke out again at Jerusalem. In each of these towns the police used fire against the Arab demonstrations.

So one more page of the history of Palestine under the Mandate had been written in blood. And there was one feature of this last outbreak, which was unprecedented in those of 1920, 1921 and 1929. Before 1933 the Arabs considered the Jews to be their real enemy, but in that year they attacked the British Government as the true enemy.

The Arab Executive Committee in its manifesto tries to interdict the alienation of Arab lands to the Zionists by calling the nation to resort to forcible means. This method which caused unnecessary bloodshed is very objectionable. Instead Arab leaders should have organized national banks to relieve the financial distress of the fellah and acquaint him with modern method of cultivation so that the total yield of their land would be doubled or tripled. They should have organized national corporation or companies to buy lands from those who were obliged to sell a part of their possession. Arab landlords would much prefer to sell their lands to Arab companies rather than to any other Jewish organization. Such a step if it had been carried by the Arabs would force the Jews to reduce their immigration schedule to a minimum since in such a case no land on which they can settle would be available.

To consider the British authorities as their real enemies

would mean to loose the friendship of most of the British officials who are characterized as being pro-Arabs in their sympathies. The Arab leaders should have realized that it is futile to fight a power like that of the British Empire and induce her to change her policy by forcible measures. Such a policy proved to cause waste of time and unnecessary destruction. If only the Arab leaders concentrated their efforts on constructive rather than destructive means to combat Zionism, the results would have been much beneficial to the country. This would have frustrated the Zionist programs of acquiring more lands and therefore issuing less immigration certificates.

The Years of 1934 and 1935

In this uneasy atmosphere the growth of the National Home continued. In 1934 there were 42,359 authorized immigrants, in 1935, 61,854. Two new points stood out. First, far more future immigrants were going to be "absorbed" into industry and urban life than by agricultural and land settlement. Secondly, so far from reducing "economic absorptive capacity" immigration increased it. The more immigrants came in, the more work they created for local industries to meet their needs, especially in building: and more work meant more room for immigrants under the "labour schedule"; unless therefore the Government adopted a more restrictive policy, or unless there were some economic, or financial set-back, there seemed no reason why the rate of immigration should not go on climbing up and up.

As the National Home expanded from 1933 onwards, so the Arab hate and fear of it increased. The attitude of the Arab

leaders became more hostile to the Government and the tone of the Arab press more bitter. In the autumn of 1934, the Arab Executive submitted to the High Commissioner a formal expression of their view that the safeguards for Arab interests embodied in the Mandate had broken down. A campaign, in which the Supreme Moslem Council took an active part, was set on foot to prevent more Arab land passing into Jewish hands. Small landowners were persuaded to register their lands as family awqaf to preclude alienation. Arabs accused of facilitating the sale of land to Jews were denounced in the Mosques, at public meetings and in the press as traitors to the nation. An Arab bank was started with a capital of £60,000 for the development of Arab land or its exclusion from alien purchase.

In politics, the symptoms of deepening hostility were equally marked. In 1934 the activities of the six Arab organizations were largely concerned with mutual jealousies and recriminations; but in the course of 1935 they not only tended to crystallize into more efficient "parties" but subordinated their quarrels to the National and United Cause. Meanwhile, the nationalist movement as a whole was improving its organization and widening its scope. The "Youth Movement" in particular was encouraged. Young men's societies under various names, became more consciously and ardently nationalist. Towards the end of 1935 "the younger elements had evidently gained ground, and were becoming a factor which might challenge the influence of the older Arab leaders"⁽⁵⁾.

In the autumn the situation rapidly deteriorated. In October the discovery of arms and ammunitions concealed in a consignment of cement imported from Belgium was a definite

(5) Report on the Administration, 1935. p.17.

proof that the Jews were secretly arming on a large scale. By way of protest a "strike" was declared for the 26th October and widely observed. At Jaffa it excited strong feeling and a clash with Tel-Aviv was narrowly averted.

Early in November it became known that a rebellious band had established itself in the hills of Galilee, under the leadership of Sheikh Izzed-Din Al-Qassem, a religious leader. It was caught by the police near Jenin and four of its members killed, including Sheikh Izzed-Din. A great number of Arab leaders attended his funeral at Haifa, and there was some demonstration and stone-throwing. The deceased leader was hailed by newspapers as martyr to his nation and his faith. "Dear friend and martyr" said an Arab notable, "I have heard you preach from a platform resting on a sword. Today you are, by God a greater preacher than alive you ever were".

The appearance of organized Arab bands was a new factor which did not exist before 1934. The first leader, Sheikh Izzed-Din Al-Qassem, who was a reverent man, driven by religious motives to engage the forces of the Mandatory Power so long as the latter allowed more Jews free entrance into the country. He certainly was a very decent and sincere patriot of the Arab Cause, but he should have realized that he would have rendered much greater services to his country if on religious grounds he preached that those who alienate lands to the Jews would be disobeying the Holy Book and would be considered as traitors to the National Cause. The name of Sheikh Izzed-Din is foremost respected by every Arab patriot than any other Arab leader, for he stuck till death to what he believed the right way in defending the National Cause.

The Proposed Legislative Assembly of 1935

On the 25th November 1935 the five Arab parties formally presented the High Commissioner with three main demands: (1) the establishment of democratic government, (2) the prohibition of the transfer of Arab lands to Jews, (3) the immediate cessation of Jewish immigration and the formation of a committee to determine the "absorptive capacity" of the country. In the meantime the administration had been making some progress with a proposal for the promised Legislative Council. The High Commissioner had announced in December 1934, that he would be ready to discuss the matter with the leaders of various parties. In December 1935 he judged that the municipal councils were working well enough to warrant the next step. He therefore communicated to the Arab and Jewish leaders respectively a new constitution. The proposal was for a Legislative Council with a large unofficial majority; the twenty eight members were to be made up as follows: 5 officials, 2 commercial representatives, 8 elected and 3 nominated Moslems, 3 elected and 4 nominated Jews and 1 elected and 2 nominated Christians, plus an impartial president from outside who would neither debate nor vote. But there were to be three main "safeguards": (1) The validity of the Mandate was not to be questioned, (2) The High Commissioner would be empowered in certain circumstances to legislate by ordinance, (3) He would continue to determine the Labour Schedule, though discussion of them in the Council would be allowed. This constitution was a practical advance from the previous ones in the sense that the Arabs would have a majority in the Assembly. The official members with the Jews amount to 13, while the Arabs

would have 15 members. The constitution was defective from the Arab point of view, because the powers reserved to the High Commissioner were so great that it may be called autocratic. Another handicap was that the validity of the Mandate, which the Arabs doubted, was not to be questioned.

On February 1, 1936, the colonial office, through the mouth of the High Commissioner, replied to the Arab demands of the previous November (I) that its offer of a new constitution made in December 1935 represented a practical step towards democratic government in that it proposed a Legislative Council with a large unofficial majority, (II) that as regards sales of land, it intended to enact a law prohibiting these unless the Arab landowner retained a "visible minimum" - i.e. sufficient land to afford a means of subsistence to himself and his family, and (III) that the rate of Jewish immigration was carefully gauged according to the country's capacity, and that a new Statistical Bureau was being established for estimating this.

The views on this reply were various. Those of the Arab leaders differed. Some were for adopting a policy of cooperation and for accepting the proposed Legislative Council; others demanded drastic alteration, objecting to such excessive powers left to the High Commissioner.

The Jews were unanimous in condemning the proposed constitution and the Government's reply to the Arabs. An influential delegation protested in London and the Jewish Agency issued a memorandum on the subject. Dr. Weizmann and his colleagues accordingly informed the High Commissioner that they rejected the scheme and had resolved to take no part in its

operation. The gist of the Zionist argument was that the proposed Arab majority on the Council precluded the establishment of the promised National Home, and that the suggested "interference" with the free disposal of land by its owners was an infraction of the clause in the Mandate which bound the British Government to encourage Jewish land settlement. The non-Zionist Jews of Palestine, through the mouth of the spokesman of the Agudath Israel, expressed equal disapproval of the scheme.

But the argument of the Zionists as to the causes of their refusal to accept the proposed Legislative Council, can be easily refuted. In the first place, the Council was deprived from any power, that may amount to questioning the validity of the Mandate. Secondly, the ultimate authority in determining the number of Jewish immigrants to have free access to Palestine is the High Commissioner and not the Council. Thirdly, the Zionists argued that the proposed Arab majority on the Council precluded the establishment of the promised National Home, but in 1936 the Jewish National Home was already in existence, the Jewish population in that year reached 320,000.

The fate of the Legislative Council was soon determined outside Palestine. On the 26th February, it was soon debated in the House of Lords, where representatives of all parties were agreed in urging that the scheme should either be abandoned for the present or suspended while a Royal Commission inquired into the question on the spot. In the House of Commons on March 25, 1936, considerable opposition was manifested, and the Secretary of State for Colonies was forced to defend the High Commissioner against criticism levelled from all sides of the House. One of the chief points made in his reply was

that the Council would have very limited powers; it would not, for instance, be permitted to discuss the Mandate or the Jewish Agency or to interfere with immigration.

The proposal was also criticized at the meeting of the Permanent Mandates Commission in June 1936, disapproval being expressed in particular by M. Rappard. He viewed it as "extremely inadvisable" and as "a fertile source of friction", a system in which the majority was unable to enforce a majority decision, and did not control the executive staff.⁽⁶⁾

The debates in the two Houses of Parliament in February and March 1936 had caused a new wave of despair among the Arabs, who saw in them fresh evidence of Jewish influence in London, and proof that the self-governing institutions for which they were asking were as far away as ever. "Until this feeling was manifested in open disorder, its extent was little realized in Great Britain."⁽⁷⁾ The visit to London of the Arab delegation invited by the British Government to discuss the Legislative Council proposal never materialized on account of the outbreak of the disturbances.

The Disturbances of 1936

The actual disorders had their beginnings in the murder of two Jews by unknown persons, on the night of the 15th April on the Tulkarm-Nablus road. The following night two Arabs were murdered not far from Petah Tiqva, by Jews, as an act of reprisal. The funeral of one of the murdered Jews at Tel-Aviv led to a fierce Jewish demonstration. A series of savage assaults on Arabs by Jews, in Tel-Aviv began, and on the 19th

(6) P.M.C. Minutes of the Twenty Ninth Session; p. 140.

(7) Great Britain & Palestine; p.75-76.

April, excited by rumours that Arabs had been killed, an Arab mob in Jaffa began attacking Jews. Police reinforced by troops, dispersed the rioters. Curfew was imposed on Jaffa and Tel-Aviv and an emergency decree was issued prohibiting dealings in arms, ammunitions and explosives.

By the end of the month it was clear that the trouble was of more than normal dimensions. On April 26 the Arab party leaders met and united to form a Higher Arab Committee and once more formulated the demands issued in the previous November. A strike committee was set up; a general strike was declared; and a series of local committees, representing Arab views all over the country, gave the Higher Arab Committee authority to maintain the strike pending the granting of the demands.

On the 5th of May the High Commissioner unsuccessfully appealed to the Arab Higher Committee to assist the Government in maintaining law and order. On the 8th a conference of the National Committees was held at Jerusalem and resolved not only that the strike should be continued but that Arabs should refuse to pay taxes. A manifesto issued by the Arab Car owners and Drivers Committee also urged the non-payment of taxes and further called on the Arab Higher Committee to enforce a strike of all Arab Government officials.

On May 11, at the request of Sir Arthur Wanchope, a battalion of the Royal Scots Fusiliers arrived from Egypt, the beginning of a steady stream of reinforcement from Egypt and Malta, which continued throughout June and July. But the presence of the troops and the action of the Government in extending the curfew, imposing collective fines, interning Arab agi-

tators in concentration camps, and taking other emergency measures, were alike unsuccessful in restoring order. Reports of acts of violence, the cutting of telegraph wires, the blowing up of railway tracks and bridges, and the ambushing of trains and car convoys succeeded each other almost daily.

Against this background of disorder negotiations for a settlement were carried on, Sir Arthur Wanchope interviewed the leaders again on May 15, it was subsequently learnt that he had stated that, if the strike were stopped, a Royal Commission would be set up to examine the conditions in Palestine and inquire into Arab and Jewish grievances. In their reply the Arabs stated that from past experience they had no confidence in a new inquiry. They pointed out that the British Government have appointed no less than six commissions of inquiry but that little or no action has been taken on their findings. The Arabs expressed their firm determination to continue the strike until Jewish immigration was suspended. This the High Commissioner refused to do, and on May 18, a Labour Schedule of 4,500 immigrants for the next half-year was approved. And the negotiations accordingly reached a dead-lock.

Attempts to solve the dilemma were not confined to the discussions between the High Commissioner and the Arab Strike Committee. On June 30, a memorandum was submitted to Sir Arthur Wanchope, signed by 137 Arab Government officials, including all the senior members of the Judiciary and the Administration. It stated that the Arab population had been driven into a state bordering on despair, and that this feeling was largely traceable to loss of faith in official pledges and

alarm at the extent to which the British Government had given way to Zionist pressure. The signatories believed that the Arabs' complaint under this head was substantially justified. The unrest could not be crushed by force, and the document recommended the stoppage of immigration as the only fair, humane, and honourable solution.

The position in Palestine, meanwhile, had been steadily deteriorating. During May and June the strike hardened throughout the country. Those few Arabs who kept their shops open or otherwise abstained from striking, were soon won over. The younger Arab kept a highly efficient watch on the conduct of the strike. Violence, snipping and sabotage increased. And the most serious development was the appearance of bands of armed Arabs in the hills, including volunteers from Syria and Iraq and organized attacks were made on military and police forces. The announcement of the terms and reference and personnel of the Royal Commission at the end of July had no effect on Arab opinion, and throughout August and September, the disturbances continued. On June 6, Emir Abdullah of Trans-jordan invited the Arab Higher Committee to a meeting at Amman. When questioned as to whether they were in a position to stop the disorders if they wished, the Arab leaders replied that this would only be possible if certain definite concessions could be promised. The minimum was the suspension of Jewish immigration during the period of the Royal Commission's inquiry.

On August 7, the Emir again invited the Arab leaders to Amman and endeavoured to persuade them to call off the strike, urging the probability that this would be followed by a gesture on the part of the British Government respecting immigra-

tion. The Arab Committee stated that they were summoning a congress of town committees to discuss the situation. The fresh out-bursts of violence which followed showed that Arabs would not concede anything without definite concessions from the other side.

On August 30, the Arab Higher Committee unanimously accepted the intervention of the King of Iraq. The negotiations were carried by Nuri Pasha El-Said, the then foreign minister of Iraq. Nuri Pasha has offered his services as an unofficial mediator between the Government and the Arab leaders. But since he could make no promises on the government's behalf, the negotiations broke down. On the 30th August the Arab Higher Committee published a manifesto, declaring their willingness to trust to "the mediation of the Government of Iraq and of Their Majesties and Highness the Arab Kings and Princes" and that in the meantime "the Nation will continue its general strike with the same steadfastness and conviction which it has shown"⁽⁸⁾.

Throughout these months the Arab National forces became more powerful and active. The strength of the bands in the hills was increased both in numbers and in arms and ammunitions; and towards the end of August they were joined by trained guerrilla leaders from outside Palestine. Fawzi-Din el-Kawikji assumed command of the Arab forces and issued communiques and proclamations. Under his leadership Arab youth were drilled and instructed in trench warfare and they had several sharp encounters with the British troops. Meanwhile, sabotage of every kind increased. The Iraqi oil pipe line running to

(8) Peels Report; p. 100.

Haifa Refineries were repeatedly punctured. Roads were systematically mined and railways were frequently damaged.

On the 7th September the colonial office issued a statement of policy. It outlined the course of the disturbances and described "the situation which had been created" as a direct challenge to the authority of the British Government in Palestine". It referred to the appointment of the Royal Commission and to the attempts of conciliation from outside. Finally, it declared that the state of disorder must be brought to an end without delay, and announced that an additional division of troops was being sent to Palestine and that General J. G. Dill would assume command. This statement revealed to the Arabs the firm determination of the Mandatory to continue its policy of immigration at any cost.

But a sudden change occurred at that time. The Arab Higher Committee, who had kept in touch with the Arab Kings and Princes throughout the outbreaks, welcomed the arrival of appeals for peace from King Ibn Saud, to the King Ghazi of Iraq and the Amir Abdullah. The text was as follows:

"Through the President of the Arab Higher Committee to our sons the Arabs of Palestine."

"We have been deeply pained by the present state of affairs. For this reason we have agreed with our brothers the Kings and the Emir to call upon you to resolve for peace in order to save further shedding of blood. In doing this, we rely on the good intentions of our friend, Great Britain, who has declared that she will do justice. You must be confident that we will continue our efforts to assist you."⁽⁹⁾

(9) Peels Report; p. 101.

On the 11th October the Arab Higher Committee published this document, and announced that with the unanimous agreement of the National Committees they had decided "to respond to the appeal of Their Majesties and Highness the Arab Kings and Amirs, and to call upon the noble Arab nation in Palestine to resort to quietness and to put an end to the strike and disorder". (10)

The orders of the Arab Higher Committee were obeyed. Work was generally resumed on the 12th October. Bands were permitted to disperse and the disturbances as an organized national movement had ceased. They had lasted six months.

Although the strike was maintained for a much longer period than it was supposed at the start and although its continuance revealed to the Mandatory power the firm determination of the Arabs to have Jewish immigration stopped, it would have been more politic to order the end of the strike much earlier especially when seeing the Mandatory forces gradually being strengthened from 10,000 to nearly 30,000. The strike caused much economic hardships to the Arab population. The strike of the laborers of the Jaffa harbour caused the building by the Jews of a contiguous harbour in Tel-Aviv, an action which proved to be economically fatal to the Arab laborers.

The arrival of Arab armed men from Syria and Iraq and the promise of the Arab Kings and Prince to sponsor the Cause of the Arabs of Palestine created a new factor in the situation. It revealed from the start the readiness of the Arabs to share the hardships with the Arabs of Palestine. They

(10) Peels Report; page 102.

risked their lives in defending the common cause, for which they were fighting. But the promise of the Arab Kings and Emirs to approach Great Britain and urge her to remedy the grievances of the Arabs never materialized. Their words were never translated to action which lost them the faith of the Arab populace.

If only the Arab leaders tried to combat Zionist infiltration into the country by constructive means, such as establishing National Corporations to buy lands. Such an action would have been of greater value than the negative results of the strike. The whole trouble is that the Arabs employed always the same tactics - resorting to forcible measures - against a great power. They should from the start have realized that it is futile to induce Great Britain to change her policy by disturbing the public security of the country. But they could have done this if they stood as one in not alienating more lands to the Jews and by fostering Arab national infant industries in order to preclude Jewish industries from flooding the Arab markets.

At the beginning of November the situation was considered sufficiently peaceful for the Royal Commission to go out to Palestine. The Commission left England on the 5th November and arrived at Jerusalem on the 11th November. But the Arab leaders found it impossible to cooperate with the Royal Commission. This was caused by the British Government's decision not to stop Jewish immigration and consenting to issue fresh labour immigration certificates: For on the 5th November the Secretary of State for the Colonies had announced in the House of Commons that the suspension of immigration during

the course of the Royal Commission's investigation "would not be justifiable on economic or other grounds". Accordingly, the Arab Higher Committee resolved on the 6th November to boycott the Commission.

The boycott was maintained until the Commission had heard most of the Jewish and British evidence and had announced the date at which they intended to leave Palestine. But the Arab Committee abandoned the boycott on similar circumstances to those in which the strike had been called off. On the previous evening a delegation which the Arab Higher Committee had sent to Iraq and Saudi Arabia returned to Jerusalem, bringing letters from the late King Ghazi and King Ibn Saud. They recommended the Arab Higher Committee, in identical terms to state their case to the Royal Commission. On the next day the Arab Higher Committee issued a manifesto, in which they declared their acceptance of the request of the Arab Kings, to present the Arab Case before the Royal Commission.

The Royal Commission remained in Palestine for two months during which she heard the testimony of the Jewish community and the British administration. The Jews were able to deliver in detail what they considered as their grievances. The Royal Commission only granted the Arabs ten days to present their case. This was caused by the Arab Higher Committee's decision to boycott the Commission. The presentation of the Arab grievances to the Commission would have been far more better organized and more in detail than it was actually done if the Arab Higher Committee had not resolved to boycott the Commission, so that once more the

Arab leaders miscalculated the results of the policy they decided to pursue.

The Findings and Recommendations of the Peel's Report

Since the first of the Commissioners' terms of reference had been to "ascertain causes" of the 1936 disturbances, they devoted the first part of their Report to a historical analysis of the trouble, as a result of which they came to the following conclusions:-

"The underlying causes were (in their opinion) the same as those which brought about the disturbances of 1920, 1921, 1929 and 1933, namely, the desire of the Arabs for national independence and their hatred and fear of the Jewish National Home. But other factors had aggravated these causes and helped to determine the time at which the disturbances broke out. These factors were:-

(1) The effect on Arab opinion in Palestine of the attainment of national independence first by Iraq, to a less complete extent by Transjordan, then by Egypt and lastly envisaged for Syria and the Lebanon. The weight of this factor has been augmented by close contact between Arabs in Palestine and Arabs in Syria, Iraq and Saudi Arabia and by the willingness shown by the Arab rulers to do what they properly could to assist them.

(11) The pressure on Palestine exerted by world Jewry in view of the sufferings and anxieties of the Jews in Central and Eastern Europe. The increase in this pressure from the beginning of 1933 onwards and the consequent high figures of Jewish immigration had gravely accentuated Arab fears of Jewish domination over Palestine.

(III) The inequality of opportunity enjoyed by Arabs and Jews respectively in putting their case before the British Government, and before Parliament, and public opinion in England; and the Arab belief that the Jews could always get their way by means denied to the Arabs.

(IV) Associated with this factor, the growth of Arab distrust, dating back to the time of the MacMahon pledge and the Balfour Declaration, in the ability, if not the will of His Majesty's Government to carry out their promise.

(V) Arab alarm at the continued purchase of Arab land by Jews.

(VI) The intensive character of Jewish nationalism in Palestine; the provocative language used by irresponsible Jews and the intemperate tone of much of the Jewish press.

(VII) The general uncertainty, accentuated by the ambiguity of certain phrases in the Mandate, as to the ultimate intentions of the Mandatory power. This uncertainty had (a) stimulated the Jewish desire to expand and consolidate their position in Palestine as quickly as might be, and (b) made it possible for the Arabs to interpret the conciliatory policy of the Palestine Government and the sympathetic attitude of some of its officials as proof that the British determination to implement the Balfour Declaration was not wholehearted. (11)

The Peel's Report reveals a complete and comprehensive understanding of the underlying causes of the 1936 disturbances. Stress should be laid on the Arab desire for independence and their fear of a Jewish majority, if the influx

(11) Peel's Report. pp. 110-112.

of Jewish immigration should continue on such a large scale. The establishment of the social Nationalist regime in Germany greatly caused the increase of Jewish arrivals in the last period. In view of these conflicting interests the Commissioners described the Mandatory as forced to "govern by arithmetic" in order to hold the balance between, on the one hand, a Jewish National Home which had long passed the experimental stage, and, on the other, an Arab community which, though it had prospered and increased since 1920, was showing a nationalistic and anti-Jewish mood from which it could not at the moment be deflected by considerations of material gain.

In the second part of their Report, the Peels Commission surveyed the different fields in which the administration had attempted to carry out its mandate; here they dealt in turn with administration, public security, finance, the land, immigration, education. They recognized some grave obstacles which were peculiar in Palestine, amongst other handicaps they instanced the existence of three official languages, three weekly days of rest and three sets of official holidays. While admitting such difficulties, they criticized the administration for certain of its practices, of which the severest were reserved for the educational system of the country. They described the existing provision for Arabs as inadequate, for according to the Report for 1938, still only 50 percent of Arab applicants could be admitted to Government schools in towns and villages. They advised the administration to increase the educational budget in order to allow greater number of Arabs to be admitted to government schools.

On each subject as they dealt with it, they made detailed

recommendations, of which the most important are those concerning immigration. When discussing immigration, they recommended that the number of Jews admitted should be regulated not only by "economic absorptive capacity" but also in accordance with political considerations. They even specified a figure: in their view the Mandatory should envisage a "political high level" of 12,000 per annum during the ensuing five years.

In the third and most important section of their Report the Commissioners abandoned the idea of "palliatives"; for the first time in an official British Government Paper the promises to Arabs and Jews were truly described as irreconcilable and the Mandate in its existing form as unworkable. They sought to solve the problem by undergoing "a surgical operation" for the country. "Partition seems to offer at least a chance of ultimate peace. We can see none in any other plan"⁽¹²⁾. According to the partition scheme, the Mandate for Palestine should terminate and be replaced by a Treaty system in accordance with the precedent set in Iraq. Then treaties of alliance should be negotiated by the Mandatory with the Government of Transjordan and representatives of the Arabs of Palestine on the one hand and with the Zionist Organization on the other. These treaties would declare that within as short a period as may be convenient, two sovereign independent states would be established - the one an Arab state, consisting of Transjordan united with that part of Palestine lying east of Megiddo Tulkarm, Lydda including Jaffa and south of Wadi Herron till the desert;

(12) Peel's Report; p.376.

the other a Jewish state consisting of that part of Palestine which lies to the north and west of that frontier.

The scheme included that the Mandatory would undertake to support any requests for admission to the League of Nations which the governments of the Arab and Jewish states might make, provided that the treaties would include strict guarantees for the protection of minorities in each state. Military conventions would be attached to the Treaties dealing with the maintenance of naval, military and air forces.

The Partition scheme envisages the creation of a new Mandatory for the protection of the Holy Places. The territory of the new Mandated area would include the enclave of Jerusalem and Bethlehem with Nazareth and the Sea of Galilee (Lake Tiberias) with a free access to the sea. In this new mandated territory, the policy of the Balfour Declaration would not apply. The only "official language would be that of the Mandatory administration. A good and just government without regard for sectional interests would be its basic principle." (13)

Such a revolutionary, unfair scheme was far from being practical. It envisaged the creation of "three states" in a country hardly as large as Belgium. In the scheme all the littoral with most of the fertile cultivable land were reserved to the Jewish state. The Jewish state included 49 percent of the Arab inhabitants of Palestine. While the Jews owned only 1,140,200 dunums of land in the proposed Jewish state, the Arabs possessed in the same territory 3,854,700 dunums. Add to this, if partition had been carried, it would have

(13) Peel's Report; p.382.

involved the Mandatory with undesirable military and strategic consequence in order to keep the safety of such a huge frontier.

In a White Paper accompanying the publication of the Report, the British Government declared itself satisfied that a scheme of partition on the general lines recommended by the Royal Commission represented the best and most hopeful solution of the dead-lock.

When the Royal Commission's Report and its recommendations were debated in Parliament, several members expressed their doubt as to the possibility of such a scheme. Lord Samuel, the first High Commissioner to Palestine, pointed out, that partition would not bring peace and order to Palestine since it involved the creation of a Jewish state containing 225,000 Arabs as against 258,000 Jews. Such an action would necessitate a compulsory exchange of population, unfair and unpopular in Arab eyes. He added that there would also be a permanent "pull" exercised by the surrounding Arab states on the Arabs in the Jewish state which must inevitably work against a settlement. Further, the proposed frontiers would prove almost impossible to defend, and finally, the difficulties of administering a partitioned Palestine would be almost insuperable. Lord Samuel declared that the partition scheme would have the effect of creating "a Saar, a Polish Corridor, and half a dozen Danzigs and Memels in a country the size of Wales".

The immediate reaction to the Report on the part of both communities, Arabs and Jews, was one of disapproval. The Arab Higher Committee declared the scheme to be unworkable,

and impossible to accept. At the same time they petitioned the Permanent Mandates Commission, demanding the end of the Jewish National Home and an immediate cessation of immigration and land sales, till the conclusion of a treaty like those existing between Great Britain and Iraq to place the existing British Mandate. (14)

At the same time, the Government of Iraq addressed a letter to the Secretary General of the League of Nations, in which they protested against the proposals of the Royal Commission, and in particular against the proposed partitioning of Palestine. The letter further asserted that the hope of a permanent settlement depended upon the recognition of an integral independent Palestine in which the Jews once and for all, remain in the position of a minority. The Iraqi Government justified their action by reference to the grave moral responsibilities towards the Arabs of Palestine, when they had intervened in October 1936 to secure peace in that country. On September 11, 1937, an Arab National Conference, meeting in Bludan, passed a resolution closely following the petition of the Arab Higher Committee to the League of Nations, accompanied by a solemn declaration that the Arab nation and the Moslem people would continue the struggle for the Arab Cause in Palestine, to achieve the liberation of the country and the establishment of an Arab Government. (15)

In India, the All Indian Moslem League condemned the Royal Commission's Report. A committee of the defence of Palestine was set up, while, at a Palestine conference organized at

(14) A Petition from the Arab Higher Committee Communicated by His Majesty's Government.

(15) Great Britain & Palestine. p.91.

Calcutta in September by the League, the partition proposal was bitterly attacked and one delegate condemned it as "putting 80,000,000 Indian Moslems in the difficult position of choosing between loyalty to the state and loyalty to their faith"(16).

All these deeds constitute a direct warning to the British Government that the Arabs of Palestine would in future be no more left alone to struggle against the might of England and the wealth of the Jews. They revealed that the whole of the Arabic World have associated themselves with the Cause of Palestine, while the Moslems of India have pledged themselves to defend the Cause of their bretheren from being swallowed up by an alien people. The British Government in dealing with the problem of Palestine should no more be blind to the fact that thousands of Arabs and Moslems from other parts of the world would come to assist the Arabs of Palestine in any future struggle.

Meanwhile, the 20th Zionist Congress, which met at Zurich from August 3-11, 1937, debated the Royal Commission's Report, together with the accompanying British Statement of Policy, which included a measure, restricting the Jewish immigration. The Congress revealed a division of opinion in Jewry. Dr. Weizmann reminded the Congress that now for the first time the world was discussing the problem in terms of a "Jewish State", and for this reason appealed for support of the partition proposals. The resolution finally adopted by the Congress denied that the Mandate had become unworkable and that the aspirations of the Jewish people and Arabs were irreconcilable and the

(16) Toymbee: Survey of International Affairs, 1937.

majority rejected the Partition scheme as impossible to apply.

The Permanent Mandates Commission, in examining the Royal Commission's Report, pointed out that the present Mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission, especially since the recommendations of the Commission were endorsed by the Government of the Mandate itself. The Commission believed that a prolongation of the Mandate would be essential, and that this could best be done either by provisional colonization or by two new Mandates. Finally, they stressed the need for immediate measure to carry out the "urgently needed reforms in the administration of Palestine"⁽¹⁷⁾ recommended by the Royal Commission.

The Permanent Mandates Commission's recommendations were more restrictive than those of the Royal Commission's Report. While endorsing the idea of Partition, the P.M.C. expressed themselves to be unanimous in rejecting the creation of two sovereign states in Palestine, as being pre-mature. But instead two new Mandates should be drafted for the proposed Partitioned territory.

On the 16th of September, 1937, the Council of the League of Nations passed a resolution, authorizing the Government of the United Kingdom to explore the idea of partition, while, pointing out that the Mandate must remain in force, "until such time as it may be otherwise decided". This meant that the British Government received the necessary authorization from the League of Nations to work out detailed schemes for partitions without being committed to carrying into effect. In the same session speeches were made in the League Debate by representatives (17) Minutes of the Thirty-Second (Extraordinary) Session; p.233.

of Arab and Moslem countries, showing that their governments could not remain indifferent to the hopes and fears of the Arabs of Palestine.

The Partition Commission

A technical commission was, therefore, sent to Palestine to work out a detailed scheme of partition on the basis of the scheme recommended by the Royal Commission, but with full liberty to suggest modifications. By its terms of reference the Commission was required to bear in mind that the boundaries it suggested must afford a reasonable prospect of the eventual establishment of self-supporting Arab and Jewish states, include the fewest possible number of Arabs and Arab enterprise in the Jewish Area, and vice versa, enable His Majesty's Government to carry out their Mandatory responsibilities, including their obligations with regard to the Holy Places, and create no insuperable difficulties.

The Report of this Partition Commission (Woodhead Report) published in October 1938, examined, and found wanting, three plans of partition, that of the Peel Commission and two modifications of its own devising. In the first modification, the proposed Mandated territory was enlarged by adding to it, all the territory North of Acre with the District of Galilee, this would be done at the expense of the proposed Jewish state. Add to this that the extent of the proposed Jewish state southward would stop at Rishon le Ziyon. The rest would be included in the proposed Arab state. In the second modification the Mandated territory would still be enlarged as to include all Northern Palestine from Tantura to Ras-en-Nagura with the Beersheba sub-district. The purpose of these two modifications

is to include the fewest possible number of Arab inhabitants and Arab lands in the Jewish area. But the Commission found it impossible to divide Palestine in such a way as to avoid leaving Arabs in the Jewish state, and vice versa, without at the same time doing injustice to either Arabs or Jews. For example, it appeared to them impossible to include Galilee in the Jewish state as the Royal Commission recommended, for to do so would involve putting approximately 90,000 Arabs under 3000 Jews, and according to the Commission Galilee could not be in the Arab state by reason of its geographical position without dominating, and constituting, a menace to the Jewish state. On the other hand, to make it into Mandated Territory would be to sacrifice the Arabs in the interests of the Jews⁽¹⁸⁾. Moreover, it was found practically impossible to devise a self-supporting Arab state without an annual deficit amounting to £P.550,000⁽¹⁹⁾, or so to draw its frontiers as to avoid excluding the bulk of the Arab owned citrus area. If the Arab state were to be self-sufficing, it must either have a subvention from the Jewish state - a solution which the Peel's report recommends and which the Woodhead Commission rejected, for in such a case the proposed Arab state would be dependent financially on the Jewish state - or it must form part of a Custom Union. This Custom Union would be an essential part of any scheme involving partition from the standpoint alike of the Arab and Jewish states and the Mandated areas. The northern and southern Mandated Territories (forming part of the partition plan which seemed

(18) Woodhead Report; pp.86 - 92.

(19) Woodhead Report; p.193.

to the Commission the least objectionable of the available alternatives) would be a charge on His Majesty's Government and must therefore, have control of the Customs Union which would of course, infringe the sovereignty of the "independent Arab and Jewish states".

The Commission, in concluding its Report put forward the suggestion of economic federalism⁽²⁰⁾, an arrangement by which Palestine would be partitioned into Arab and Jewish states, northern and southern Mandated Territories, and a Jerusalem enclave, without fiscal autonomy, and under which the customs service should be administered and fiscal policy determined by Great Britain as Mandatory.

A White Paper was issued by His Majesty's Government at the same time in which they rejected the partition scheme on the ground that the political and financial difficulties involved in the proposal to create independent Arab and Jewish states inside Palestine were so great as to make such a solution of the problem impracticable. The Paper added that since the surest foundation of peace and prosperity in Palestine would be an understanding between Arabs and Jews, His Majesty's Government declared their intention, as an alternative means of meeting the needs of the situation immediately to invite representatives of these two communities, and of the Arab states to confer with them in London. The conference would consider future policy including the question of immigration. The Paper ended by declaring that if, the discussions did not produce an agreement within a reasonable time, His Majesty's Government would themselves come to a decision on

(20) Woodhead Report; p.244.

policy and proceed to implement it.

The solution of the Palestine problem on the lines offered in the Partition scheme is unsound and impracticable. From military, political and financial points of view, the partition of Palestine would encounter insuperable difficulties. The decision of the British Government to abandon such a scheme and call representatives of the two communities to confer with her in London was met with wide acceptance. All hopes were cherished that the London Conference will bring an adequate solution for the dilemma in which the British Government was placed.

The Rebellion of 1938

Meanwhile, things had greatly deteriorated. During the first part of 1937, Palestine was in a state of comparative tranquility. But after the publication of the Royal Commission a gradual increase of tension was noticeable. Travel to different parts of the country became again hazardous. The murder on September 26 of Mr. Andrews, Acting District Commissioner for Galilee, and of his police escort⁽²¹⁾, marked the renewal of disturbance on the largest scale.

The government sought to remedy the situation by the dissolution of the Arab Higher Committee and all national committees, and the issue of warrants for the arrest of six prominent Arab leaders, members of the Arab Higher Committee. At the same time Haj Amin Effendi Al-Husseini, Mufti of Jerusalem was deprived of his office as President of the Supreme Moslem Council and of membership of the General Waqf Committee. Five of the prosecuted leaders were arrested and subsequently deported to the Seychilles. The Mufti left Palestine (21) Report for 1937; p.8.

secretly for the Lebanon. But these actions were far from restoring order. Disorder increased rather than decreased. If the British Government were prepared to take action showing that they did not intend to be intimidated by terrorism, the Arabs proved to the Mandatory that the exile of their leaders stimulated for more work rather than repressed them. The British authorities, however, took another step to deal with the situation. It set up military courts throughout Palestine. These courts were set up to try offences against law and order such as discharge of firearms, carry arms or bombs (both these sets were being punishable by death), and causing sabotage and intimidation. All sentences pronounced by the courts were to be subjected to confirmation by the General Officer Commanding the Troops, from whose decision there would be no appeal, civil administration was gradually replaced by military control.

In spite of these strong measures things more and more deteriorated. The loss of prestige and fear of the Government became noticeable. By the end of October 1938, there were in the country 20,000 troops. But the Jerusalem and southern districts were entirely out of government control, so that a re-occupation of that part of the country proved necessary.

Early in September the High Commissioner, Sir Harold Macmahal, was given new power over property and land for defence purposes, and later permitted to seize and demolish the property of any person whom the Government suspects. A rigorous press censorship was also established. Every traveller and motor driver was required to possess an identity card

and permit. Civil life was severely hampered, communications were disorganized, railway services were curtailed, and trains ran only with armed escorts. The country was thereupon divided into four districts, each under a military governor, for the purpose of restoring order in as short a time as possible by the capture or driving out of the armed rebels, a process which proved long and difficult.

The Arab organized forces were under the command of Abdul-Rahim Haj Muhammed, an honest genuine patriot who endeavoured to conduct his campaign on decent lines. Many encounters took place between the Arab forces and those of the Mandatory in which the Mandatory's forces suffered heavy reserves, strategy and airoplanes were many a time employed by the British forces in order to put down the Arab threats to big towns. The Arab forces were in touch with and largely directed by conspicuous Arab leaders from outside Palestine. Supplies were constantly being sent through the Syrian frontier. Periodical inspections were being carried out by Palestinian Arabs who used to re-enter the country in disguised form. These Arab forces were scattered among the civil population and in many cases protected by them. All Arabs who cooperated with the government or acted as middlemen to sell Arab lands to Jews were murdered. Arab nationalism was at its height in 1939, the educated people acted as advisors to guide the Arab forces in their actions. This state of affairs continued all through 1939, but with the outbreak of war the situations began to change and order was restored. This was largely caused by the arrival of imperial forces and the Arabs' decision to postpone their struggle to the post-war period.

The rebellion of 1938 was by far the greatest outbreak that occurred since the occupation of Palestine. When it started all the Arabs of all parties cooperated with the rebels. Assistance of every kind was given to the Arab forces, Arab women cooperated with men in their struggle. But when the Arabs launched a campaign of assassination on their Arab brothers, the Arabs were divided among themselves and some of them cooperated with the government against the Arab rebels. The Arab leaders are much to blame for what has happened, for this caused the scattering of the united forces of the Arabs in different direction. It greatly caused the disintegration of the rebellion more than any other factor. This policy of intimidating and assassinating the members of the so-called moderates arose out of family or even personal feuds. This rivalry between the leaders and the struggle of Arab against Arab should not have existed at a time when all efforts should be united to fight a powerful enemy. It meant that some of the Arab leaders placed their personal ambitions above interest of the country, a thing which is much deplorable by every Arab.

The Jewish National Home

Meanwhile the prospects of the Jewish National Home, - which by 1935 has passed the experimental stage - began to increase. Large numbers of Jewish immigrants poured into the country by various means. In 1936, 29727 Jews entered the country, but the Jewish arrivals in the following year were reduced to 10,536. It is estimated that the number of the Jewish population reached by 1939 the figure of 400,000 or 35 percent of the whole population. Industrially, the

country was undergoing a radical change. Huge industries sprung up in Palestine as a result of the influx of capital into the country accompanied by Jewish experts expelled from Germany. The main bulk of the Jewish immigrants settled in urban areas. Tel-Aviv population reached 200,000. But this industrialization process received a terrific blow by the outbreak of the war. The declaration of war caused a sudden check to the import of capital, which involved the Jewish industrialist in serious difficulties. But due to the stress of war and non-arrival of European or American imports, the Jewish industries are flourishing and finding great demand in Eastern countries.

Agriculturally, the amount of land owned by the Jews increased. By 1939, 1,276,000 dunums, mostly in the fertile part of Palestine, had passed to Jewish enterprise. Out of 289,200 dunums of citrus land the Jews possess 146,100. Again because of the state of war, and the impossibility of exporting the citrus production of the country, many landlords, especially Jewish ones are demolishing their citrus trees. It is estimated that by the end of 1943 at least one half of the citrus trees owned by Jews will be damaged for not being irrigated.

By 1939 the Jewish National Home has become a reality. The Jewish population has undergone a rapid increase. Jewish cities like Tel-Aviv, where every aspect of Jewish life is dominant, has become numerous. The Hebrew language as an official language, with Saturdays as Holy days of rest for the Jewish communities has been, from the start, recognized. Jewish culture and literature, daily newspapers in the Hebrew

language have appeared in Jewish centers, so that the British promise to establish in Palestine a Jewish National Home has been fulfilled.

The London Conference and the White Paper of 1939

Invitations to attend the Round Table Conference in London were sent by the British Government to the Palestinian Arabs, the neighbouring Arab states of Egypt, Iraq, Saudi Arabia, and the Yemen and Transjordan, and to the Jewish Agency. Mr. Malcolm MacDonald, the then Secretary of State for the Colonies, made it clear that the Jewish Agency was at liberty to select whatever Jewish representatives it wished. But the White Paper announcing that a conference would be held had stated that the Government would reserve the right to refuse to receive those leaders whom they regarded as responsible for the campaign of assassination and violence. The members of the Arab Higher Committee in exile in the Seychelles were set at liberty and, although refused permission to return to Palestine, were free to consult with the Mufti and to act as delegates of the Palestinian Arabs at the Conference.

There was some difference of opinion between the Arab leaders as to whether to accept representatives of the National Defence Party, since some of the members of this party cooperated with the government against their brothers in the last disturbances. These differences were clearly revealed during the period preceding the conference in which the parties were manoeuvring for position. It is, however, essential to realize that they were differences of method and policy, rather than of principle. Ragheb Bey Nashashibi, writing to Al-Ahram newspaper, said, that there was no person in Palestine nor in

any other Arab country who did not aspire to see the death of the Balfour Declaration and the Mandate; during the present critical situation the Arabs stood as one man desperately defending their existence, and it had become meaningless to divide the Palestine Arabs into extremists and moderates.

After discussions between the Mufti and the Palestinian leaders recently returned from the Seychelles, delegates were chosen representing five of the six Arab parties who were members of the Arab Higher Committee. It was not until after the opening of the conference in London, that the representation of the six party, the National Defence Party, was finally settled. The president and vice-president of that party took their places as members of the Palestinian Arab delegation at St. James Palace.

From an early stage, in what may be described as the conference preliminaries, the Arab states showed themselves ready to play an active part. Representatives of the various Arab states were chosen from conspicuous personalities of their respective countries. All the Arab representatives acted as one in representing the Arab Case. The British Government believed that the Arab representatives would play an intermediate part between the Palestinian Arabs and the Mandatory power, which proved not to be the case.

In the middle of January all the delegations met in Cairo. Nuri Pasha Al-Said flew to Beirut to confer with the Mufti. Nuri Pasha had already put forward a plan for Palestine, which envisaged an independent state, allied by treaty with Great Britain, governed by a constitution drawn up by a constituent assembly, and embodying guarantees of full civil and religious

rights. Each community would, under this plan, enjoy communal rights on the basis of equality; local autonomy and education and municipal affairs would be granted to Arab and Jewish towns. Jewish immigration would cease at once, although the transfer of the administration would be gradual. The rights of the communities would be guaranteed by the British Government for the duration of the proposed Anglo-Palestine treaty.

It was a fair, moderate and practical proposal. The Arabs from the start were at one in accepting to guarantee the rights of the minority. Also they did not hesitate to recognize that the future government would be composed of both communities on the basis of proportional representation. But as to immigration, it was from the start decided that an end must be placed to this disturbing factor, which if continued would threaten the Arab political existence in their country.

The Jewish Delegation to the conference was composed of a body of "negotiators", of whom five were chosen by the Jewish Agency from its Executive to be a permanent nucleus throughout the conference, while the remainder were drawn from a wider conference committee of leading Jewish personalities, both Zionist and non-Zionist, representing the Jews of the British Empire and of foreign countries. This committee consisted of Dr. Weizmann, the four members of the Jewish Executive just referred to, three other members of the Executive, eleven representatives of Palestine Organization; thirteen representatives of Zionist and non-Zionist bodies in Great Britain, United States and the European continent. It has been claimed that the Delegation was representative of every aspect of

Jewish life and thought.

But the conference, when it met at St. James' Palace, London, on February 7, 1939, became in effect two parallel conferences, for the Palestinian Arabs refused to sit at the same conference table with the Jewish delegation because they consider the Jews as alien people and to sit with them at the same table means to recognize them implicitly as real inhabitants of the country. The first two weeks were occupied by statements of the Arab and Jewish Cases, and discussions between the British Government and each of the parties on points of detail arising from these claims. The Jews stated their case in its extreme form, and showed little sign of any readiness to compromise. Dr. Weizmann in laying down the Jewish proposals stressed the right of the Jewish people (recognized in the Balfour Declaration and the Mandate) to reconstitute their National Home, as if the National Home was in 1939^{was} still a promised pledge without any practical existence at all. He laid even greater emphasis on their present urgent need of that Home in "this the blackest hour in Jewish history", and described the Jewish homelessness as the root of the problem. Dr. Weizmann was obsessed by the idea that the only possible asylum for persecuted Jewish refugees is Palestine. He certainly^{over}estimated Arab generosity and the absorptive capacity of the country to accept more Jewish immigrants. The spokesman of the Arab Delegation, Jamal Effendi Al-Russeini, revealed the enduring Arab fear of domination by the Jews and a determination to secure recognition of their right to complete independence in their own country.

On February 23, the first meeting between the representatives of the Arab states and the Jews took place, in a cordiale atmosphere, but without positive results in narrowing the gap between the two standpoints. During the next week the British put forward proposals for an agreed settlement, which were rejected by the Jews. More discussions followed and another meeting took place between the Arab states, the Jewish and the British leaders, also without definite results. Finally, the British laid revised proposals before the Delegations, which were rejected by both parties, and the conference came to an end.

Some weeks elapsed before the White Paper containing the final proposals of the British government was published on May 17, 1939. These weeks saw a serious crisis in Europe arising out of the occupation of Bohemia and Moravia by Germany on March 15, and the invasion of Albania by Italy on April 7. During this period a conference of representatives of the Palestinian Arabs, the Arab states and the Moslems of India met in Cairo and submitted unofficial proposals to the British Government in an endeavour to bridge the gap between the latter's London conference terms and the demands of the Palestinian Arabs. The Cairo proposals differed little on questions of immigration and land sales from those contained in the British White Paper, but asked for the immediate appointment of a national government of Palestinian ministers with British advisors, and a national assembly at the end of three years to draw up a constitution for an independent Arab state.

The proposals of the Cairo conference were moderate and

reasonable to both Arabs and Jews. It says that there should be a transitory period of three years. The ministers in the Palestine state would be proportional to the ratio of the Arabs and Jewish population. The proposed state would be neither called "Arabic state or Jewish but Palestinian, a term rather suitable for both communities.

The British Government's proposals, on the other hand, envisaged the creation of an independent Palestinian state, in treaty relations with Great Britain only at the end of a period of ten years. They proposed that, five years after the restoration of peace and order, an appropriate body representative of the people of Palestine and of His Majesty's Government should be set up to make recommendations with regard to the constitution of the new state. During the transition period Palestinians would gradually be given an increasing part in the government of their country, acting as heads of certain departments, with British advisors, and becoming members in this capacity, of an Executive Council. The powers of local government bodies would, at the same time, be increased.

But the existence of a will to cooperate, depended in the last analysis upon agreement with regard to immigration. The British Government's new proposals on this subject constituted a complete reversal of the policy which till then they pursued. By the terms of the White Paper, 75,000 Jewish immigrants were to be admitted into Palestine during the next five years, and included in this total would be the number of illegal immigrants who entered the country in the period. At the end of five years further Jewish immigration

would be subject to Arab consent. The White Paper continued by saying that the Balfour Declaration did not intend that Palestine should become a Jewish state, or that the whole of Palestine should be converted into a Jewish National Home. It further declared that nothing in the Mandate, or in the obligations binding on His Majesty's Government, requires that Jewish immigration should be permitted up to the economic absorptive capacity of the country, regardless of other factors such as political absorptive capacity, that is, regardless of Arab fears and Arab goodwill.

As to the problem of land sales the White Paper declared that there will be three clearly defined areas in Palestine, Arab, Jewish and mixed areas. In the first category, the Arab area, land alienation to non-Arabs is strictly forbidden, in the Jewish area, no restriction whatsoever in the sale of land was stipulated and in the mixed the alienation of land from Arab owners to Jewish enterprise was only accepted, if a prior consent of the High Commissioner was obtained.

The White Paper is the last statement of policy declared by the British government to regulate the anomalous situation created by the Balfour Declaration. In it the British government declared that at the moment, it was unable to foresee the ultimate constitution to be given to the proposed Palestinian state. In the constitutional changes which the government of Palestine is supposed to undergo, the time element is the most objectionable factor. To stipulate that at least ten years are needed for the proposed Palestinian state to come into being as a legal entity, is to throw the fortune of this country to a more or less indefinite time. The

maximum time that the Palestine government needs to implement this constitutional change, foreseen in the White Paper should not exceed three years. During this transitory period the constitution for Palestine would be drawn and Palestinian citizens should gradually replace British officials in the senior offices of the government. As to immigration, there seems no reason why the British government conditioned the entrance of 75,000 Jews before the final cessation of immigration since neither this figure nor its being doubled or tripled would solve the Jewish problem. It would have been more politic if the Mandatory Power has ordered the stoppage at once of Jewish immigration. That the Jews are in need of a larger area, somewhere, to which they should immigrate and colonize is certainly undeniable. Therefore immediate cessation of immigration would not have altered the problem from the Jewish point of view while going a long way to relieve the fears of the Arab inhabitants of the country. Lastly, the partition of Palestine into three areas to regulate the transfer of land^{was} greatly criticized by Arab leaders. Alienation of land to non-Arabs should be restricted in Palestine as a whole. The White Paper, as far as land is concerned, returns to the fiction of partition, which would increase friction and antipathy between Arabs and Jews. The colonization or division of the country for certain purposes, while in others it is treated as a single unit, will hamper the future administration of a country where racial animosity is at its height.

As the British Government correctly surmised in the White Paper, the new proposals satisfied neither the Arabs

nor the Jews. That the Jewish Agency should reject the White Paper of 1939, after realizing that the promise of establishing in Palestine a National Home for the Jews has been faithfully fulfilled, is very strange. This rejection by the Jewish community of the last Statement of Policy induces one to believe firmly that what the Zionists are really after is a Jewish Commonwealth or a Jewish State rather than a Jewish National Home. That the Palestinian Arabs and the Arab states should refuse to accept a policy, which promised them to create an independent Palestinian state is not surprising. The Palestinian Arabs and the Arab states have been very moderate in their demands. They requested the Mandatory to order the final cessation of immigration every year since 1920. But nothing was done towards that direction. During a period of twenty years they witnessed the arrival of 400,000 Jews. Nothing was done in the direction of constitutional changes to appease the Arabs. While most of the European nations were treating their minorities in a ghastly manner, in Palestine, by sheer rule of force, a minority was gradually being increased so that it began to threaten the political existence of a majority. It is therefore very natural that when the British government has not accepted in toto the Arabs' demand, they felt that they could not agree to any British rejection of part of this plan. Moreover, the British Government's decision to prolong indefinitely the ban on the Mufti's return to Palestine was probably not without influence on Arab opinion. Finally, it must be pointed out that the Arabs have a good justification for reserving judgement until such time as the new British

policy should be translated into action. For they were quite aware how easily and swiftly can the Zionist leaders present their cause in Parliament. The Arabs could point to previous occasions of such kind, notably in 1930 and 1935, when a proposed policy, described by its opponents as "Pro-Arab", was never put into effect in its original form.

With all the objections and drawbacks levelled above, the Arab Higher Committee was erroneous in rejecting this last Statement of Policy. For certainly from the point of view of the Arabs the merits of the White Paper greatly outweighed its defects. The Arab leaders thought that by accepting the White Paper, while the Jews rejecting it, the British Government would steer a middle course to bridge the gap between the two communities. The fallacy of this contention was proved by the firm resolution of the British Government to stick to the provisions of the White Paper. Therefore, the Arabs would have been in a far better position had they accepted the White Paper and cooperated with the Government against the Jews. The Arabs should always demand the application of the White Paper in regulating the affairs of the country, for it is by far the best statement of policy advantageous to the Arab Cause and remedies a great part of their grievances.

The British proposals for future policy in Palestine close the chapter of the political development of the country. But to say this is not to attribute to finality the new proposals in regulating the future policy of Palestine. This outline of the new policy, may, like its predecessors, be modified by the development of ideas and events both within and without Palestine itself. Since then and on the 3rd of

September the Mandatory Power was engaged in a second world war, toward which, the British government is utilizing every possible resource in defending the existence of its own territories as well as those of small nations. In such times many secret treaties and agreements as to the future status of different territories, are entered upon. The Zionists are sparing no effort to get the Balfour Declaration re-affirmed. This time the Zionists are concentrating all possible means to get the government of the United States of America committed to a similar declaration. This is witnessed by the recent document signed by a great number of the members of both chambers of the Congress, including the leaders of the majority and opposition and handed to the President in which they request the government to pursue what they described as "our traditional foreign policy" by re-affirming the Balfour Declaration. On the other side the Arabs are still more handicapped by the fact that they possess no legal political organ which may present the Arab Case before the different Powers. Most of the Arab leaders are still in exile or are precluded from entering Palestine. A categorical denial of the existence of any secret treaties by the British Government when speaking in the House of Commons on Feb. 16, 1943, the British minister of foreign affairs declared that His Majesty's Government will enter into no secret undertaking regarding the future destiny of Palestine. On the contrary, it seems that the British government has decided to pursue the policy declared in the White Paper of 1939.

Passing to the internal events of Palestine, the disturbances of 1938 began to loose its momentum in 1939. In that

year the civil authorities gradually replaced the military one, so that by 1940 the general situation of the country was described as being peaceful. The administration began applying the contents of the White Paper to regulate the transfer of land. The country, as far as alienation of land, is concerned, is divided into three areas, and no legal transaction of land can occur which is inconsistent with that provision. In matters of immigration, according to a statement recently made by the Secretary of States for the Colonies, between September 1939 and February 1943, 50,000 Jews have arrived into Palestine leaving certificates of 25,000 more Jews in the hands of the High Commissioner. This last number of Jews to be allowed free entrance into Palestine will most probably arrive from Persia and Bulgaria, as arrangements for their being transferred are progressing. With these entering into Palestine, the population of the Jewish community will approximately reach the figure of 500,000 or 40 percent of the total inhabitants of the country. The doors of Palestine should then be closed to any more Jewish arrivals unless the British government will in future deviate or modify the passage of the White Paper regulating immigration.

So far nothing was done in matters of constitutional changes to implement the White Paper. Palestinians should in the first five years replace gradually British officials, so did the White Paper specify, but 1943 records the fourth year of the coming of the last Statement of Policy, with British officials as heads of all the departments of the government. Add to this that by 1944 a committee composed of Palestinians and British officials should by then be created in order to draw the

constitution of the proposed Palestinian state, but it is doubted whether such a committee could be constituted. Now one of two conclusions may be deduced from this. Either that the British Government have decided to modify their policy as embodied in the White Paper or that the stress of war makes it impossible to subject a country to constitutional changes, when the very existence of the Mandatory Power is at stake. The second alternative seems to offer a better answer than the first, especially if we consider that the Mandatory Power is already implementing the land transaction and immigration policy of the White Paper.

CHAPTER VIII
A POSSIBLE SOLUTION.

Mr. Malcolm MacDonald, the then secretary of state for the colonies, declared in the House of Commons in November 24, 1938, that a strong policy could not alone bring peace in Palestine. British policy could restore order but not peace. British policy must recognize that the argument of material gain was of no avail against Arab nationalism and must aim at removing from the Arabs their fear of Jewish domination". Lord Samuel (first High Commissioner for Palestine) stressed the same point while speaking in the House of Lords, he said: "The Arab movement exists, it is a reality and not an artificial creation fostered by British timidity and foreign intervention"⁽¹⁾. "Nationalism which strives to unite the members of one nation politically and territorially, in a state organization is exercising in Palestine and the whole of the Arab nation, the intellectual and economic function that it exercised in Europe a hundred years ago."⁽²⁾

These statements show that the Arabs have awakened from their lethargy and are fearful that if immigration continues on such an unparallel scale, their country will soon be swamped by Jews. The Arabs are not interested in the British argument that the National Home has greatly benefited them economically; they much rather prefer to see the Jews quit and leave them poor but masters of their own home. This reveals the solidarity of the Arabs against the Zionist peril which is augmenting with the passage of time.

As regards further policy the Mandatory has to choose between two alternatives, either they reverse the policy of

⁽¹⁾ Great Britain & Palestine; page 98.

⁽²⁾ Kohn: Nationalism and imperialism in the Hither East; p.49

the last twenty-five years, and recognize the right of the Palestinians to govern themselves, or they will return to the Old Balfour Declaration as embodied in the different articles of the Mandate. If their choice falls on the first, a new era in Anglo-Arab relation will be inaugurated in which friendship and cordiality will replace the antipathy and antagonism which is still existing. But if they prefer to pursue the old policy of the past, nothing will prevent more serious outbreaks from recurring in the future.

There is no doubt that Palestine means a great deal to the British Empire, and even if there were no Jewish National Home to establish, Great Britain must in its own interest find perpetual peace in a country which strategically is indispensable for the protection of the Suez Canal and the oil fields of Mosul. It is therefore of vital importance to the British Empire to maintain the friendship of the Arab and Moslem world. The troubles of 1936-37 have showed how the Arab Kings and Emirs and the Moslems of India have associated themselves with the Cause of the Palestinian Arabs. They should not acquiesce in any future policy which will subordinate their bretheren in the Holy Land or render their position otherwise inferior to an alien people.

That the Zionist experiment to establish in Palestine a Jewish state has failed there is no doubt. That the Jewish National Home has already been established "by the recreation in Palestine of a Jewish community, with its own political organs, an elected assembly for the direction of its domestic concern, elected councils in the town and an organization for the control of its schools, every Jew will admit. No-

body therefore can deny that Great Britain has actually fulfilled its obligations to the Jews under the Balfour Declaration. This has deprived the Arabs of their constitutional rights and debarred them from attaining independent political status similar to Iraq's. Add to this that the Arab rights and position have been prejudiced through excessive Jewish immigration and sale of land. This state of affairs cannot continue. The further application of the Balfour Declaration can only be maintained under the protection of a large army of British troops and at the risk of repeated disorders and the possible loss of British prestige in the Arab World.

What is then the solution for this dead-lock? The answer is difficult to give and even if a solution is found, it cannot be expected that it will satisfy the diverse interests of all parties. Some concessions on each side must inevitably be made in the interest of Palestine and the Arab World.

Lord Herbert Samuel in an article published in "Foreign Affairs" of July 1938 proposed to solve the problem of Palestine on the following lines:-

"(I) Limitation of immigration to maintain the present balance of population between Arabs and Jews, for a period of years, during which the Jewish population should never exceed forty percent of the total population.

(II) Recognition of Arab national aspirations and the attitude of Islam towards the Holy Places. The ultimate aim of Great Britain should be to build up, with the assent

of France and full cooperation of the Zionist movement a Great Arab Confederation (to include Saudi Arabia, Iraq, Transjordan, Syria, etc.).

(III) Opening of Transjordan to development and settlement both by Arabs and Jews with the financial assistance of the British government.

(IV) A solemn guarantee in perpetuity by the League of Nations of the Holy Places of Islam in Palestine.

(V) Formation of two commercial organizations (i.e. an Arab Agency in addition to the existing Jewish Agency). The Arab Agency should have inter alia power to prohibit land sales within the Territory.

(VI) A Central Council for Palestine should be set up, not elected and not based on numbers, but representative of the two communities, i.e. a kind of Federal Council with British members acting in an advisory capacity."

A quite interesting proposal by a prominent English Jew. The most objectionable part of which is the clause dealing with the opening of Transjordan for development and settlement by the Jewish community. It should be made clear that one of the basic principles in the solution of the Palestine problem is the cessation at once of any form of Jewish immigration. Palestine is already saturated with Jews and the story of the Balfour Declaration should no more be repeated in any other Arab province. The Arab countries, as witnessed in the case of Palestine, have shared as a contribution towards the solution of the Jewish refugee problem more than should be required from them. Palestine can never solve the Jewry problem. The Jews with

the assistance of Great Britain should turn to seek a refuge elsewhere. The present existence of the Jewish population in Palestine should be recognized as a fait accompli. The Arabs cannot demand or force the Jews to quit at once. But what they should fiercely oppose to is the arrival of more alien people.

As to the sale of land, steps should be immediately taken to interdict any further alienation of land by Arabs to Jews in any part of Palestine. The cultivable lands that the Arabs possess can hardly satisfy their needs. Accordingly, to remedy the situation a system of land irrigation should at once be erected especially in the southern parts of the country. In the fertile regions intensive cultivation should replace extensive and "the five feddan" law should be applied in order to ensure the peasants from ^{n.b.} being ousted by their landlords.

The constitutional proposals are confined to a Central Council with representations of the two communities: such a council should never commend itself to the Arabs. What the Arabs demand is a more widespread self-government institution on the lines of cabinet government. The British government, in the past twenty years, has always contended that the people are not yet ripe and it is therefore premature to effect any constitutional change. The best reply to such a contention is given by Han Kohn; he says, "it cannot be denied that an autocratic system of administration which gives no real voice, no opportunities, and no responsibility to the people is not likely to educate them in the use of their own initiatives and to promote their latent

qualities, nor can it be conducive to high political standards. Only in liberty and responsibility can the people effectively advance, become constructive, and politically mature. Deny them responsibility and you have the safest way of impeding their progress and of rendering them always destructive and inefficient.⁽³⁾ Therefore the argument that a people are not yet fit for independence is in reality one of the instruments employed by great powers to conceal their imperialist policy. The safest and only possible solution should only follow the lines of such a plan.

1. The establishment of an independent state in Palestine, with a national government on the basis of universal suffrage.

2. The Palestinian state will make a treaty of friendship and alliance with Great Britain upon the same lines as that made by Iraq with Great Britain. The treaty will provide for the necessary commercial and strategic requirements of both countries in the future.

3. The independent state should be one in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded.

4. All the inhabitants of Palestine shall have equal political rights.

5. The Palestine government will solemnly pledge herself to protect all the Holy Places of the country and will grant facilities and safe access to all such places.

These are the fundamental lines of a sound settlement.

There would be, of course, various consequences from them.

(3) *Nether East*. p.55.

Zionist immigration into Palestine and land alienation would have to be subjected to the restrictions imposed by the national will. Zionists in Palestine would have to be content with what so far they have achieved. They should cooperate and participate in running the affairs of the proposed state. This plan should be executed without delay as soon as war is over. Technical assistance from outside in the first years of the national government will be indispensable. Great Britain will be called upon to supply such experts provided that the word "assistance" should be interpreted in its strict sense.

In the proposed state, Arab and Jewish representatives will serve as heads of departments approximately in proportion to their respective population. Local autonomy should be more encouraged so that each community will direct the affairs of the governments in their inhabited areas. Both communities must forget the past and try to work together in the interest of the country as a whole.

But so far, one side of the future picture has been depicted. Most of the Arab intelligentsia will never be content to see the Arab nation continue in its present form, each being isolated from the rest by political artificial barriers. They would very much welcome the realization of what most Arabs aspire to - the grouping of all Arabs in a single state. The time has come for an Arab federation "to be created out of the artificial Arab states. In a world in which future federation of small sovereign states are being discussed the Arab Federation must have its proper place.

The Arab Federation should be composed of all the countries that, have as their mother tongue the Arabic language, possess the Arabic culture, share in the past glories and miseries of the Arabs and cherish the aim of unity with the Arab world. The union of all the Arabs in a single state should come primarily by the action of the Arabs themselves with the assistance of a world power. As to the present Arab country that should play the role that Prussia played in achieving the German unity, or Piedmont in the Italian unity; that country would most probably be either Syria or Iraq. But in our case we should be more obliged to rely on the assistance of Great Britain or any other power in erecting the future Arab state than did Italy on France and Germany.

In drawing a constitution for the future Arab state one should be greatly guided by that of the United States of America. The head of the Arab state would to all probabilities be a monarch - one of the present Arab Kings and Emirs. The legislature should be a bi-cameral one, the Lower House would represent the Arab nation as a whole, while the Upper one would be composed of representatives of the different states of the Arab Federation. In regulating the relations between the different organs of government the theory of Separation of Powers should be applied for a temporary period, during which, the Arab statesmen will become more acquainted with the Parliamentary form of government. The central government would have entire control over the regulation of the foreign policy, finance, economics and all military forces of the state.

The Arab Federation should ~~join~~ the League of Nations or any other international organization to be created in the post-war period. The security of its frontiers from aggression would be guaranteed by the action of the big powers in the future League. The Arab Federation would enter into special treaties with the League by which all rights of minorities would be safeguarded. The sanctity of the Holy Places would also be solemnly guaranteed.

Whether the Arab Federation would ever be created is for the future to tell. It certainly depends to a large extent upon the post-war policy of the victorious powers. But the national consciousness manifested among most of the learned men gives promise that the Arab nation will reach its goal at a not too distant date. The prospects therefore, of a nearby realization of an Arab Federation depends primarily upon whether great powers will continue to pursue a policy of self interest or they will renounce intervention and try to build a better world.

The future status of Palestine is yet to be determined. Palestine may become a colony of the crown or a "Seventh Dominion". The policy embodied in the White Paper of 1939 may be re-affirmed or a new Mandate may be drafted. Nothing will more ~~suit~~ the interests of the Arabs and those of Great Britain ~~save~~ in a policy which will remove from the Arabs their fear of Jewish domination. The policy embodied in the Balfour Declaration should come to an end because it was faithfully fulfilled. The only sound settlement for Palestine lies in its becoming an integral part of the future Arab Federation.

CONCLUSION

The political history of Palestine during the twenty years of the world peace is marked by a chain of disturbances and outbreaks occurring every now and then. During these years, the Arabs have exhausted every form of pacific appeal to have their grievances remedied. Interviews and petitions, mass meetings, public pronouncements, protests to the League of Nations, repeated delegations to England. All have been tried, but all of them have failed. Different commissions were sent to examine and investigate the underlying causes of the many disturbances. All of them were able to diagnose the disease. But the British government was always reluctant to remove the germ which was behind all these troubles.

This was the declared policy of the British government with regard to Palestine, as embodied in the Declaration of November 2, 1917. The result of which was a great influx of Jewish arrivals into Palestine. Zionism introduced an element of unrest and strife, not only in Palestine but in the whole of the Middle East; for the Arabs could never rest content with the loss of Palestine. English assurances about the safeguarding of Arab political and economic rights proved to be an inadequate guarantee, for the Arabs were powerless against the wealth, the superior organization and education, and brilliant advocacy and propaganda of Zionist interests throughout the world. Their poverty compelled them to sell their land, and under English protection Jewish immigration, in spite of all England's assurances, is gradually leading to a Jewish majority and so to a commonwealth in Palestine. It was calculated that if Jewish immigration continued annually on the rate of 20,000, by 1956 the Jews

would become a majority in the country.⁽¹⁾ The Arab inhabitants of Palestine - except for foolish family feuds and rivalries of some ambitious leaders - were united in their opposition, and were supported by the Arabs of the surrounding countries, and sometimes by their Moslem or Christian co-religionists. It seemed to them that the objective of the British government, which was primarily concerned with establishing a Jewish National Home without drawing clear and definite limits to its extension, threatened to ruin the Arab aspirations of freedom and independence.

During this period the Arabs constantly demanded the creation of a national government of the inhabitants of Palestine in accordance with democratic principles, the annulment of the Balfour Declaration and the union of Palestine with the Arab countries. To achieve this end they appealed to the right of self-determination of the peoples, and to the sense and text of article 22 of the League of Nations Covenant. The Zionists on the other hand asked for more active support of the British Mandatory government in their constructive labours in Palestine, an acceleration and constant extension of Jewish immigration into Palestine, and the settlement of the immigrants in accordance with the terms of the mandate, so that the percentage of the Jewish population and its share of the land should increase continually and reach to a Jewish majority within measurable time.

But the Arab leaders are mostly to blame for their policy of non-cooperation with the administration in the first five years of the coming of the Mandate. Their refusal

(1) Shaw's Commission.

to accept the proposed constitution of 1922 and an Arab Agency proved to be detrimental to the Arab Cause. Had they accepted the proposed Legislative Council, they would have participated in running the administration of the country. In vital matters such as immigration the constitution granted the Arabs the right to discuss and regulate with the High Commissioner the number of Jewish arrivals in accordance with the economic absorptive capacity of the country. Such a right was never again granted to the Arabs.

The Arab leaders wrongly thought that by non-cooperation with the administration, they would induce the Mandatory to change her policy. It took them five years to realize that such a policy would work contrary to their interests. For if they decided to pursue a policy of non-cooperation, all the Arab officials should follow the declared policy of their leaders and resign their posts from the government administration. Such an action would have placed the Mandatory in a difficult position, so that the British government might have had to alter its policy. But the Arab leaders did not think it expedient to urge the Arab officials to tender their resignation - for had they been asked to do so it is very doubtful if they would have complied with the wishes of their leaders. Accordingly, the Arabs would have been in a far better position if their leaders had accepted the Legislature of 1922.

The Arabs in their decision to refuse an Arab Agency similar to the Jewish Agency placed themselves in an inferior position to the Jews. What the Arabs needed most was a recognized political organization to present their grievances.

They were granted such a political institution, but unfortunately their leaders refused this offer.

The Arabs were greatly handicapped in not acquainting the British populace with their cause. Save for the last five years, when an Arab bureau in London was established, the Palestinian Arabs have had no agency to foster and animate their cause among the British authorities; so that the ordinary British citizen never knew of the Arab grievances. Their opponents, the Jews, were masters of the field. They possessed all methods of propaganda, such as writing articles in leading journals, making speeches, lobbying, broadcasting and other means. The Jews took the plan of being persecuted by the Nazi authorities in Europe, to urge the British government to open the gates of Palestine for more Jewish immigration. No agency was at that time created to present the Arab Case. This delinquency on the part of the Arabs greatly hampered their cause. The Arab leaders realized this only too late and even then the newly created Arab bureau was defective. It lacked intelligent men who were masters of oratory, and were capable to refute the false pretensions of the Zionists. It was handicapped in not possessing the necessary funds to spend for acquainting the electorate with the Arab grievances. The Arab leaders are largely responsible for their failure to grasp the importance of such a factor. They could have done this if from the start they urged the leaders of the Arab states to associate themselves with the Arab Cause of Palestine. Funds could be secured by collecting contributions from the Arab leaders, with possible help from the Arab governments.

The position of the Arabs would have rested on a much more solid foundation as against the Zionists. Their case would have been widely clarified in the minds of the rank and file of the British population. The Arab leaders cannot be exonerated from their responsibility of failing to realize the great consequence the country would have undergone, had they acquainted the London authorities more fully with their cause.

The twenty years of the Mandate have witnessed a series of disturbances. Demonstrations were followed by outbreaks and rebellions. All sorts of violence and force were employed to induce the Mandatory to change her policy. The Arab leaders thought that since by peaceful negotiations and diplomatic pressure they were not able to persuade the British government to change its policy in Palestine, the only other alternative was to resort to forcible measures. The Arabs never thought of employing constructive rather than destructive methods to combat Zionism. Much bloodshed could have been avoided if Arabs had resorted to positive methods to remove the Jewish peril. They should have copied the most up-to-date economic institutions employed by the Jewish to buy Arab land, so as to prevent further alienation of Arab lands to Jews; such as establishing corporative and cooperative associations to buy Arab lands from all those who were in need of selling them. The capital of such associations could be accumulated from the people, by selling them shares. Most Arabs would prefer to sell lands for reasonable prices to such a national institution.

No Arab banks were established - save very late - to

assist the fellah in his financial difficulties. The fellah faced with such a situation coupled with a burden of high taxes was forced to sell his lands. On May 6, 1931 an Arab bank with a capital of £Pal.15,000 was established. Another Arab bank called the Nation's Bank was created. These two Arab banks did much to assist the people in widening their commercial and industrial activities to higher dimensions.

Nothing so far has been done by the Arabs to increase the productive yield of their cultivable lands. The Jews brought with them all up-to-date means of production, with fertilizers and tractors to get the maximum net return of their lands. It took the Arabs many years to employ similar up-to-date instruments of production. Even today many of the fellaheen still use primitive methods. A regular system of irrigation with intensive cultivation should be employed in the uncultivable areas of the country. But so far nothing was done in this direction. This indifference and delinquency on the part of the Arabs caused many fellaheen to alienate their lands to the Jews. The Arab leaders should have spared no effort to place the country in such economic conditions as would not force the people to transfer their lands to the Jews. This could only have been done by erecting national banks to assist the people in carrying on their different agricultural or industrial undertakings. All up-to-date methods of cultivation should penetrate to all classes of the people.

Much blame in matters of the alienation of land should be reserved to the absentee landlords. These people sold large tracts of land to the Jews and drew the money out of

the country. The huge amounts of money which they received were spent in luxurious activities or made bad use of, rather than being employed in developing other lands which they possessed. These absentee landlords cared in the least to the political consequences of their actions. Such kind of people were responsible for alienating the greater amount of lands. It was the duty of the Arab leaders to approach some of the absentee landlords and try to persuade them to stop transferring their lands to Jewish enterprise or to sell a part of it to the Arabs at a more reasonable price.

The scheme of establishing a national university under the auspices of Arab authorities never materialized. Such an institution lacked the necessary funds for its erection. An Arab University would have done much to combat illiteracy which was and still is widespread in the country. The Palestine administration did much in the direction of elementary education, but no Arab university was instituted to train the people in higher education. A national university in Palestine is indispensable. It would greatly serve the Arab cause. The scheme for creating the proposed Arab university should be reconsidered on a more realistic foundation. The necessary funds could be met by contributions from the Arabic world. Such an institution would do much to educate the youth on university training and it would develop in them the national consciousness, which would awaken them to the realities of the situation.

In the twenty years of the British Mandate, the Arab leaders did nothing on the way of social reform. All their efforts were concentrated on the political situation. The

retention of the social structure compelled the growing youth to seek enjoyment and entertainments in Jewish quarters. Accordingly a great waste of Arab money was pouring into Jewish hands. This money was employed by the Jews for further alienation of Arab land to Jewish enterprise. A social revolution in Palestine especially among the Moslems is indispensable. Therefore the necessary steps to pave the way for the new social order should be taken at once. The retention of the present social order would greatly hinder our political and national progress. It would serve as an excuse for the growing youth to persist in frequenting and lavishing their money in Jewish quarters.

The personal ambitions of some of the Arab leaders greatly hampered the presentation of the Arab cause. The personal antipathy and family feuds among these leaders distracted a great deal of their attention from dealing with the immanent Zionist peril. The assassination of Arabs by their fellow Arabs was greatly detrimental to the prosecution of the national cause. Arab leaders should from the start have sunk their personal relations and united in one party. Arab parties should have been organized on a popular basis rather than representing only family factions. Their programs and statements should have been much more comprehensive. Instead of being only confined to political actions, social and economical factors should have been equally considered and included in their programs.

Arab newspapers instead of acting as the mouth-piece of different Arab leaders should have united for a common purpose. They should have distributed their efforts among themselves, to serve the national cause from different channels. A news-

paper issued in the English language, similar to the Palestine Post or any other foreign language would have greatly assisted in acquainting the British or any other foreign authorities with the Arab grievances.

The tactics employed by the Arab leaders in rejecting the White Paper of May 1939 was a folly. They thought that by refusing this statement of policy, they would preclude the British government from steering a middle course between the Arabs and the Jews. The White Paper of 1939 is more to the advantage of the Arabs than it is to the Jews, and it should have been endorsed by the Arab Higher Committee.

It is true that Arab leaders made use of every political opportunity to remove the Zionist peril. But they failed to realize that political activities alone would not suffice to preclude the influx of Jewish immigrants into the country. Economic, social and educational factors should supplement and assist the political aspect in serving the national cause. Nothing short of a complete and comprehensive program could serve as an adequate weapon up against the material strength of the Jews. Every future action not based on such a program would only place the Arab in a more precarious position in front of the growing strength of the Jews.

The Jews on the other hand have done excellent work. From a community hardly over 50,000 in 1918, the Jewish population has increased to 500,000. Their settlement into the lands were greatly facilitated by the action of the Mandatory power coupled with the great wealth they were able to bring into the country. Jewish urban centers with great industries rose in such a terrific speed that it won the admiration of

many Britishers who sponsor the Zionist cause.

The Jews proved to be far superior to the Arabs in their organizations. All the Jewish parties are at one in trying to create out of Palestine a Jewish state. All the Jewish organizations are represented in the Jewish Agency. The latter being organized on a quasi-governmental model. It has different departments headed by Jewish directors. The Jewish Agency all through cooperated with the Palestine administration in paving the way for more Jewish arrivals. This body prepares the schedules of new immigrants and the government usually adopts them with slight alterations. The Jewish Agency is in constant touch with all the Jewish economic boards and corporative associations which buy lands from the Arabs. With these economic bodies the Jewish Agency cooperates in facilitating the settlement of Jewish arrivals.

The Hadassah organization and other Jewish medical associations did much to purify the country from all sorts of diseases. All such medical bodies were run and managed by the director of the Jewish Agency. The Jewish department of education was directed at first by the Jewish Agency, then transferred to the Vaad Leumi. All Jewish youth of school age receive elementary education. The Palestine administration only possess the right of inspecting Jewish schools. The Jewish Agency receives an educational subvention from the government. The distribution of educational benefits between Arabs and Jews is based on the proportion of school age population. Educational expenditures incurred by other government departments is included in the calculation. Higher technical education is provided at the Hebrew Technical

Institute, Haifa, which trains civil engineers, architects, mechanic and electrical engineers. Jewish educational activity is crowned by the Hebrew University - an institution which has done much and is still doing great works in the field of research.

Economically, the country has undergone radical changes. A capital running to the amount of approximately 120 million Sterlings has entered the country. Agriculturally, the Jews brought with them modern methods of farming. Intensive cultivation with a regular system of irrigation was launched by Jewish colonizers. Jewish industries are finding increasing demand in the Near Eastern markets. This is caused by the non-arrival of European and American goods. The citrus industry reached in 1939 a total of 12 million boxes. But this figure has been reduced to 6 millions and will certainly be more reduced if citrus fruits are not exported.

The action of world Jewry outside Palestine is regulated by the policy and decisions of the World Zionist Organization. This Organization mobilizes all the forces of the Jewish world and makes use of it in the necessary directions. All decisions of great importance which are connected with the National Home Policy emerge from this organization. The world Zionist organization meets annually in one of the European centers to discuss the progress of the National Home. With the outbreak of the war they met annually in the United States of America. This Zionist Organization is always aware of the importance of keeping the American and English people acquainted with their grievances. They are making every good use of the German massacres and atrocities of the Jews to win the American government to their cause.

As to constitutional changes, the twenty years that have lapsed since the British occupation, have witnessed nothing in that field. All through, British officials, supplied by the colonial office, administered the government. The High Commissioner is granted such executive and administrative powers as only an autocrat possesses. All officials retain their posts at the pleasure of the High Commissioner. The British administration, however, resuscitated the municipal autonomy that existed at the time of the Ottoman Turks. The powers of the municipal council are confined, subject always to the discretion of the District Commissioners.

The Palestine administration is highly centralized. Co-ordination and integration are maintained by the secretariat and the personal position of the High Commissioner. In the Near Eastern countries, the Palestine administration is reputed for its efficiency. Red tape, "deputantism", and other awkward administrative methods do not exist in Palestine. The administration has worked excellently especially in a country like Palestine where racial animosity is at its height and where a government "by arithmetic" exists.

The progressive activities of the Palestine administration were enormous. A special tribute should be reserved for the Departments of Health and Public Works. The former did much on the lines of combatting different kinds of disease and purifying the country from epidemics. Infant mortality which was much spread among the Arab community was greatly reduced in urban centers and is being duly curtailed in rural areas. The country had been infested by disease for centuries, malaria had decimated the population. Diseases

such as typhoid, dysentery, trachoma and tuberculosis were very prevalent. The burden on the Department of Health was therefore from the outset a heavy one, and much was required from the start to be done to restore and stabilize the health of the country. The first steps in a health campaign were taken by the army at the time of the conquest. The Public Health Department did much on the way of the prevention of epidemics and disinfecting the population from the prevalent disease.

The Public Works Department has expended considerable sums on the construction, improvement and maintenance of roads. In 1920 the total length of all weather roads was about 280 miles, most of which were suitable for light traffic only. Now the length of all weather roads is about 1000 miles, most of which are asphalted and of a high standard of construction. Roads have been improved to make them safer and more suitable for modern traffic by widening, eliminating dangerous curves and constructing bridges.

In view of the many disturbances that occurred in the country, Public Security received the utmost attention of the Palestine administration. During this period the government was able to create and train an efficient force of police and intelligence service to preserve internal order. Today, thanks to the huge efforts of the Security Department, crimes have been reduced to a minimum. The police personnel, especially those of the investigation section are reputed for their capabilities and the speed by which they can detect criminals. The Palestine police has done much on the way of preserving the peaceful situation of the country.

Closely connected with the efforts of the Security Department stands the Judiciary. The works of this Department are remarkable. Instead of corrupted courts and dishonest judges, which was the rule under the Ottoman regime, a unified system of judiciary was created. All kinds of injustices were remedied by resorting to the courts. Although in Palestine the courts are handicapped by being sometimes obliged to employ the three official languages, and in spite of the fact that there are three sets of official holidays and three systems of law, the Turkish law, the ordinances passed by the Mandatory power, and English common law incorporated by the order-in-council, yet the Judiciary Department was able to overcome these obstacles and maintain a regular and effective system of justice.

Education in Palestine is yet not compulsory and is by no means universal. The Department of Education greatly aided in combatting illiteracy, but unfortunately this Department has always been short of funds to provide for a scheme of school expansion. The extent of education varies considerably among the Arab and Jewish communities. Thus in the Jewish community almost 100 percent of the children receive education of some kind or other. In the Arab community the extent of education is smaller and the demand for greater educational facilities seem still to outstrip the efforts of the government within the limits of its available resources.

"It is most regrettable that after 17 years of Mandatory rule the Government is able to satisfy no more than half the Arab demand for education. Of recent years nearly 50 percent

had to be refused for lack of teachers and accomodation.⁽²⁾ It is hoped that in future the government will be able to meet such a delinquency by reserving a much larger financial amount for education.

In spite of the peculiar political situation of the country, the Palestine government was able to put up and maintain an efficient administration. The series of outbreaks that took place thwarted the government in her efforts to undertake more progressive activities. Time and time again the government was obliged to curtail the sums allotted for constructive programs, and spent the financial amounts in preserving the internal security of the country. It would be greatly appreciated if in future the government would be able to concentrate the greater part of the budget on reconstruction.

Let us see, then, whether twenty years of applying the Mandatory principle in Palestine can be justified on the basis of its results. The idea of the mandates was created in order to assist the people of these territories who were described as being "not yet able to stand alone in the strenuous conditions of modern life". The Mandatory's function is to offer administrative advice and assistance until such time as they are able to stand alone. Therefore from the start it was made clear that the Mandatory's position in the mandated territory is temporary.

But the provisions of the Palestine mandate are peculiar, since they envisage the creation of a National Home for the Jews in the country. This debarred the Arabs of Palestine

(2) Peel's Report, page 337.

from attaining independent status similar to Iraq or Syria. Therefore the provisions of the Palestine Mandate ran contrary to the spirit and idea of the mandates in general. Can we say then that the people of Palestine are now more apt to govern themselves than they were twenty years ago? It is very obvious that among the present generation the level of education is higher than what it was among their predecessors. The new intelligentsia are more numerous and widespread than those of the former generation. But the present generation were never given the chance to exercise their latent talents in the apt of government. No national government exists wherein the growing youth may reveal their capabilities. Article XXII of the Covenant of the League of Nations provisionally recognizes the independence of the territories detached from the Ottoman Turks and the right of their people to govern themselves. But why were not the twenty years sufficient to make the people of Palestine able to stand alone on their feet?

Professor R. Seltan in an essay on the idea of the Mandates suggests three conditions which are essential for the success of such a system:

First: "An attitude of disinterested trusteeship on the part of the Mandatory power, coupled with a corresponding attitude of trustful acceptance, and willing cooperation on the part of the mandated people.

Second: A clear definition of the respective responsibilities and powers of the mandatory and mandated.

Third: An effective control by the League from whom the mandate originates and to whom the Mandatory is responsible."

These conditions seem to me to be very important, yet they are very difficult to apply in a world of imperialism. Certainly the attitude of Great Britain was not one of disinterested trusteeship. For Palestine is strategically important for the defence of the Suez Canal, the vital route to the far eastern possession of the British Empire. Great Britain also was interested in seeing the Balfour Declaration translated into action.

The attitude of the indigenous population was that of mistrust and non-cooperation with the Mandatory. This greatly hampered the efforts of the government to improve the conditions of the mandated territory. Nor does the second essential condition stipulating for the definition of the respective responsibilities and duties of the Mandatory and Mandated territory exist, since the only government established in the country is that of the Mandatory Power.

The responsibility of the Mandatory toward the League lay in the obligation of transmitting an annual report to the Permanent Mandates Commission embodying the conditions and improvements the country has undergone during the year. The control of the League was by no means effective. It could only advise or recommend the Mandatory to pursue a certain policy or undertake a further action. But in the last resort the Mandatory was at liberty to choose whatever future action it sees most fit to undertake.

Therefore, unless these essential conditions are somehow or other complied to, otherwise, the practical application of the Mandatory principle in Palestine does not justify the further extension of that system in future.

APPENDIX A

ARTICLE 22 OF THE COVENANT OF THE LEAGUE
OF NATIONS. (1)

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the states which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development of the people where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time

(1) Bentwich. page 135.

as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purpose and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously

agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

APPENDIX B

THE MANDATE FOR PALESTINE AND TRANSJORDAN⁽¹⁾

Article 1: The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Article 2: The Mandatory shall be responsible for (placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and) the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3: The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4: An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and cooperating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.)

(1) Bentwich: England in Palestine; p.310

Article 5: The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

(Article 6: The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.)

Article 7: The Administration of Palestine shall be responsible for enacting a nationality law. (There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.)

Article 8: The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9: The Mandatory shall be responsible for seeing

that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

Article 10: Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11: The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. (It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that

no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.)

Article 12: The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

(Article 13:All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.)

Article 14:A special Commission shall be appointed by the Mandatory to study, define and determine the rights and

claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.)

Article 15: The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16: The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17: The Administration of Palestine may organise on a voluntary basis the forces necessary for the preserva-

tion of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18: The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the

natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19: The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20: The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21: The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

(1) "Antiquity" means any construction or any product of human activity earlier than the year A.D. 1700.

(2) The law for the protection of antiquities shall

proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3) No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4) Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5) No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

(6) Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

(7) Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8) The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for

scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

(Article 22: English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew, and any statement or inscription in Hebrew shall be repeated in Arabic.)

(Article 23: The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24: The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25: 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 provision 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 Article 15, 16, and 18.

Article 26: The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27:

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28:

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

B I B L I O G R A P H Y

1. Antonius, George: The Arab Awakening.
2. Bentwich, Norman: England in Palestine.
3. Bentwich, Norman: The Mandates System.
4. British Institute of International Affairs: Great Britain and Palestine, 1915-1939.
5. Bomon, Hamphry: The Middle East Window.
6. Boustany, W. F.: The Palestine Mandate Invalid and Impractical
7. Hocking, William Ernest: The Spirit of World Politics.
8. Hyamson, Albert M.: Palestine Old and New.
9. Jeffries, J.M.N.: Palestine the Reality.
10. Kohn, Hann: Nationalism and Imperialism in the Hither East.
11. Lawrence, T.: The Seven Pillars of Wisdom.
12. De Loder, J. V.: The Truth about Syria, Mesopotamia and Palestine.
13. Luke, Sir Harry and Keith-Roach, Edward: The Handbook of Palestine and Transjordan.
14. Magnes, J. L.: Like All the Nations.
15. Mogannam, Mrs. Matiel E.T.: The Arab Woman and the Pales-Problem.
16. Peel, Lord: Palestine Royal Commission Report.
17. Samuel, Hoarse: Unholy Memories in the Holy Land.
18. Samuel, Maurice: What Happened in Palestine.
19. Shaw, Sir Walter: Report on the Commission on the Palestine Disturbances of August 1929.
20. Sidelbotham, Herbert: British Policy and the Palestine Mandate.
21. Simpson, Sir John Hope: Report on Immigration, Land Settlement and Development.
22. Storrs, Sir Ronald: Orientations.
23. Storrs, Sir Ronald: Zionism and Palestine.
24. Stoyanovsky, J.: The Mandate for Palestine.

25. Toynbee, Arnold J.: Survey of International Affairs, 1925.
26. Toynbee, Arnold J.: Survey of International Affairs, 1930.
27. Toynbee, Arnold J.: Survey of International Affairs, 1934.
28. Toynbee, Arnold J.: Survey of International Affairs, 1937.
29. Wedgwood, Josiah C.: The Seventh Dominion.
30. Weisman, Herman L.: The Future of Palestine.
31. Wright, Quincy: Mandates under the League of Nations.
32. Woodhead: Palestine Partition Commission Report.
33. Worstold; W. Basil: Palestine of the Mandate.

34. Report on the Military Administration, 1920.
35. Report on Palestine and Transjordan for the Year 1924.
36. Report on Palestine and Transjordan for the Year 1925.
37. Report on Palestine and Transjordan for the Year 1926.
38. Report on Palestine and Transjordan for the Year 1927.
39. Report on Palestine and Transjordan for the Year 1928.
40. Report on Palestine and Transjordan for the Year 1929.
41. Report on Palestine and Transjordan for the Year 1930.
42. Report on Palestine and Transjordan for the Year 1931.
43. Report on Palestine and Transjordan for the Year 1932.
44. Report on Palestine and Transjordan for the Year 1933.
45. Report on Palestine and Transjordan for the Year 1934.
46. Report on Palestine and Transjordan for the Year 1935.
47. Report on Palestine and Transjordan for the Year 1936.
48. Report on Palestine and Transjordan for the Year 1937.
49. Report on Palestine and Transjordan for the Year 1938.
50. Report on Palestine and Transjordan for the Year 1939.
51. Report on Palestine and Transjordan for the Year 1940.

52. Permanent Mandates Commission; Minutes of the Fourth Session, July 1924.
53. P.M.C.: Minutes of the Fifth Session, October 1925.
54. P.M.C.: " " " Seventh " October 1925.
55. P.M.C.: " " " Twelfth " November 1927.
56. P.M.C.: " " " Thirteenth " June 1928.
57. P.M.C.: " " " Fourteenth " November 1928.
58. P.M.C.: " " " Fifteenth " July 1929.
59. P.M.C.: " " " Sixteenth " November 1929.
60. P.M.C.: " " " Seventeenth " (Extraordinary Session for the disturbances of 1929) June 1930.
61. P.M.C.: Minutes of the Twentieth Session, June 1931.
62. P.M.C.: " " " Twenty first " , November 1931.
63. P.M.C.: " " " Twenty second " December 1932.
64. P.M.C.: " " " Twenty third " July 1933.
65. P.M.C.: " " " Twenty fourth " November 1933.
66. P.M.C.: " " " Twenty fifth " June 1934.
67. P.M.C.: " " " Twenty seventh " June 1935.
68. P.M.C.: " " " Twenty ninth " June 1936.
69. P.M.C.: " " " Thirty second (Extra-ordinary) Session devoted to Palestine disturbances of 1936 and scheme of Partition, August 1937.