

A Sacred Trust? British Administration of the Mandate for Palestine, 1920-1936

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Abstract

This thesis examines how ideals of trusteeship influenced British administration of the Palestine mandate. The Covenant of the League of Nations described the mandate system as a 'sacred trust of civilisation'; because of this, the powers who held mandates were obligated to govern the territories they occupied during the First World War with the long-term aim of establishing them as independent members of the international community. British fulfilment of that trust drew on wider influences that had informed its rule elsewhere in the colonial empire; notions of liberalism, utilitarianism, and rationalism, core elements in a British *philosophy* of colonial rule, profoundly shaped British governance in Palestine. In utilising a model of trusteeship to explore the Palestine mandate, this study also explores how colonial policy-making was shaped by Orientalist representations. Cultural preconceptions enabled the basic premise of trusteeship by providing a binary image of 'backward', inferior subject populations in need of assistance and of progressive, superior Western powers capable of delivering the required 'tutelage'. The influence of trusteeship and Orientalism in Palestine is examined in five key administrative areas: self-government, immigration, land, education, and law and order. Under trusteeship, various forms of local and communal self-government were advanced to provide administrative experience and create a foundation for eventual participation in national self-government; reform of land tenure and the facilitation of Jewish immigration were intended to promote economic growth and increase prosperity amongst all sections of the population; the government school system was expanded to encourage basic levels of mass literacy and develop vocational knowledge of modern agricultural techniques; and the mandatory administration sought to create local, self-sufficient civilian forces to uphold public security. Such policies allowed British officials to justify their presence in Palestine through discourses of 'progress' and 'improvement', which were required irrespective of any British commitments made to support Zionism.

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1

Introduction

Under Article 22 of the Covenant of the League of Nations, the mandates that were established to govern territories conquered during the First World War were described as ‘a sacred trust of civilisation’, given to ‘advanced nations’ who could ‘best undertake’ the responsibility of promoting the welfare and development of ‘peoples not yet able to stand by themselves under the strenuous conditions of the modern world’. The underlying premise of the mandate system was that a general obligation existed to promote policies that would put these occupied territories on the path to independence.¹ William Rappard, an influential Swiss diplomat and academic who sat on the League of Nations Permanent Mandates Commission between 1925 and 1939, explained in 1946 that ‘the primary task of the administering authority is one of disinterested guardianship and of progressive development towards self-government of backward peoples’.² The three different categories of mandate – ‘A’, ‘B’, and ‘C’ – were each designed to reflect the stage of ‘development’ reached by the local population. The ‘C’ mandates, deemed the most ‘backward’, were located in the South Pacific and were to be governed as integral parts of the mandatory power; the ‘B’ mandates, made up from the German colonies in West and Central Africa, were intended to guarantee ‘freedom of conscience and religion’ and prevent abuses of power, such as the slave trade; and the ‘A’ Mandates, which encompassed the former territories of the Ottoman empire, were ‘subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone’.³

In British ideologies of empire, doctrines of ‘trusteeship’ had a long history that predated the existence of the mandate system.⁴ In 1783, when discussing the East India Bill in the House of Commons, Edmund Burke had explained that

All political power which is set over men, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or

¹ Article 22 of the Covenant of the League of Nations.

² William E. Rappard, ‘Mandates and Trusteeships with Particular Reference to Palestine’, *The Journal of Politics*, Vol. 8, No. 4, (November 1946), p.522.

³ Article 22 of the Covenant of the League of Nations.

⁴ Bernard Porter, *The Lion's Share: A Short History of British Imperialism, 1850-1995*, (Harlow, Pearson Education, 1996), pp.18-27.

other exercised ultimately for their benefit... such rights... are all in the strictest sense a *trust*; and it is in the very essence of every trust to be rendered accountable.⁵

These sentiments were echoed by another liberal thinker, John Stuart Mill, when he suggested that self-government should be the long-term outcome of such a responsibility and that, unless some effort was made to achieve this objective, imperial powers were 'guilty of a dereliction of the highest moral trust which can devolve upon a nation'.⁶ These statements reflected an important preoccupation with the morality of British imperialism and the vast power that colonial administrators often wielded. During the late eighteenth and early nineteenth centuries, trusteeship was primarily defensive, aimed at preventing British subjects from abusing the power they exercised in the colonies in order to check any despotic influences from spreading back to metropolitan institutions. Yet such ideas soon coalesced into a liberal model of imperialism that linked 'a theory of imperial legitimacy with the project of improvement' and produced a 'set of justifications and governing strategies centred on the duty of liberal reform as the primary purpose of imperial rule'.⁷

In the colonies of white settlement – Canada, South Africa, Australia, and New Zealand – liberal moves towards self-government were relatively straightforward, but in other colonies, where native societies were predominant, trusteeship was an uneven and more complicated process. Of course, these difficulties, based on derogatory views of local subject populations, served the imperial order by ensuring the longevity of its rule, which usually allowed Britain to reap various material benefits on the path to self-government. However, that is not to say that the moral obligations imposed by trusteeship were redundant. The ambivalence about extending representative institutions in non-white colonies was usually grounded in an authentic concern over subject peoples' 'readiness' for such bodies. In fact, many of the central aspects of trusteeship were developed in response to the problems that ruling non-white India posed. From the mid-1830s, a sustained attempt was made at reforming Indian land and tax systems, civil laws, administrative practices, and higher education along British lines.⁸ Through the contributions of various intellectuals like Edmund Burke, Jeremy Bentham, James Mill, John Stuart Mill, and Thomas Babington Macaulay, and

⁵ Edmund Burke, quoted in Ronald Hyam, 'Bureaucracy and 'Trusteeship' in the Colonial Empire', in Judith Brown and Wm. Roger Louis (ed.), *The Oxford History of the British Empire, Volume IV: The Twentieth Century*, (Oxford, Oxford University Press, 2001), p.265.

⁶ John Stuart Mill, quoted in *Ibid.*

⁷ Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism*, (Princeton, Princeton University Press, 2010), p.21.

⁸ Porter, *The Lion's Share*, p.21; D.A. Washbrook, 'India, 1818-60: The Two Faces of Colonialism', in A. Porter (ed.), *The Oxford History of the British Empire, Volume III: The Nineteenth Century*, (Oxford, Oxford University Press, 2009), pp.395-421.

colonial administrators such as Lord Cornwallis, Lord Bentinck and Sir Charles Trevelyan, it is possible to speak of a *philosophy* of British colonial rule, refined in India, which contained inherent liberalising, rationalising and utilitarian tendencies.⁹

The predisposition towards preventing abuses of power within the imperial system connected trusteeship to currents of humanitarian concern. The anti-slavery movement, for example, was seen as a key expression of early trusteeship.¹⁰ Humanitarianism is beginning to receive a broader conceptual scope of its own in the history of empire.¹¹ Rob Skinner and Alan Lester, in a special edition of the *Journal of Imperial and Commonwealth History*, have recently sought to persuade historians that they could ‘usefully consider the history of humanitarianism as a fundamental component of imperial relations and a way of bridging trans-imperial, international and transnational approaches’.¹² They have identified two founding concepts of humanitarian action: firstly, a ‘progressive’ or ‘developmental’ strand that focused on removing the *causes* of suffering; and secondly, an obligation to provide relief in times of a particular crisis, which has tended to shape modern definitions of humanitarianism.¹³ The former was broader and focused on addressing the ills of ‘underdeveloped’ societies, whilst the latter was aimed at alleviating individual distress. A commitment to improve the welfare of subject populations was also present in the ideology of trusteeship. The idea that colonialism could benefit a subject people as well as the colonial power and wider international community through development was a powerful justification for empire. In 1895, for example, the colonial secretary, Joseph Chamberlain, explained to the House of Commons that ‘estates which belong to the British Crown may be developed for the benefit of their population and for the benefit of the greater population which is outside’.¹⁴ The argument gained its most resonant application in Frederick Lugard’s ‘dual

⁹ See, for example, the classic work of Eric Stokes, *The English Utilitarians and India*, (Oxford, Oxford University Press, 1959). For a more recent illustration, see Uday Mehta, *Liberalism and Empire: A Study in Nineteenth Century British Liberal Thought*, (Chicago, University of Chicago Press, 1999).

¹⁰ Andrew Porter, ‘Trusteeship, Anti-Slavery, and Humanitarianism’, in Porter, *The Oxford History of the British Empire, Volume III*, p.199.

¹¹ See Michael Barnett, *Empires of Humanity: A History of Humanitarianism*, (Ithaca, NY, Cornell University Press, 2011).

¹² Rob Skinner and Alan Lester, ‘Humanitarianism and Empire: New Research Agendas’, *Journal of Imperial and Commonwealth History*, Vol. 40, No. 5, (December 2012), p.731.

¹³ *Ibid*, p730.

¹⁴ Hansard HC Deb, 22 August 1895, Vol. 36, c642.

mandate' that provided both a method and rationale for British imperialism in Africa in the inter-war years of the twentieth century.¹⁵

The ideology of trusteeship could, however, only function within the limits prescribed by the political, economic, and social realities of the empire. Moreover, it could not run counter to imperial interests.¹⁶ In a recent study on the intellectual works of Sir Henry Maine, Karuna Mantena argued that in the wake of events like the Indian Mutiny of 1857 and the Morant Bay Rebellion in 1865, reformist models of liberal imperialism that espoused universalism were undermined by a culturalist stance dedicated to protecting the 'traditional' nature of native societies from the negative effects of modernisation as part of an attempt to stabilise imperial rule.¹⁷ Mantena argues that the geographic expansion of the British empire between 1857 and 1914 coincided with 'a phase of liberal retrenchment and the repudiation of central assumptions and imperatives underlying the "civilising mission"'.¹⁸ She continued:

The disruptive, structural impact of colonial/modern institutions upon native society vividly demonstrated the urgent need for protection. The call for the protection or rehabilitation of society was committed not only to the idea that native society contained within itself the resources for its maintenance and reproduction, but also that this unity was threatened by and yet in need of imperial rule. For it was the portrayal of native society as simultaneously *intact* and *vulnerable* that underpinned the paternalistic impulse of late imperial rule.¹⁹

Mantena's work is particularly useful for exploring some of the ideological origins of indirect rule. The paternal impulses that she describes became a key element of trusteeship in the inter-war years, but it is possible that she has overstated the case regarding the demise of liberal justifications of imperialism. As Peter Cain suggested in response to *Alibis of Empire*, the assumption that the liberal model of imperialism disappeared completely in the late nineteenth century needs qualifying: despite the fact that the indirect approach to colonial administration became prominent in many parts of the empire, it was not practiced everywhere, and Britain 'always saw the imperial project as morally charged, as an endeavour to bring 'civilisation' to the benighted'.²⁰

¹⁵ See Frederick Lugard, *The Dual Mandate in British Tropical Africa*, (Edinburgh, William Blackwood & Sons, 1923).

¹⁶ Porter, *The Lion's Share*, p.22.

¹⁷ See Mantena, *Alibis of Empire*.

¹⁸ *Ibid*, p.2.

¹⁹ *Ibid*, p.6.

²⁰ Peter J. Cain, 'Character, 'Ordered Liberty', and the Mission to Civilise: British Moral Justification of Empire, 1870-1914', *Journal of Imperial and Commonwealth History*, Vol. 40, No. 4, (November 2012), p.558.

The form of trusteeship that Britain exercised in the inter-war years was a blend of both the 'developmental' and 'protective' doctrines, which served to rehabilitate a more liberal, interventionist imperial agenda for the administration of the new mandated territories. In July 1919, Leo Amery, who became colonial secretary in 1924, explained to the House of Commons that he did not think the mandates would

Impose upon us any conditions... we have not been in the habit of imposing upon ourselves whenever we dealt with subject peoples. We have always in very large measures treated native territories under our rule as a mandate to us in the interests of the inhabitants and of the world at large, and we have justified our authority not merely in our own interests, but by the general consent of other nations with regard to our rule. It is our task now to do this work more successfully than ever, and to establish beyond doubt in the judgment of mankind that we are worthy of the trust reposed in us.²¹

The mandates therefore provided a new form of legitimacy to trusteeship, but the system itself was primarily structured around providing a fresh justification for European imperialism in an age of Wilsonian national self-determination and anti-colonialism.²² They were also designed to forge a stable consensus amongst the victorious powers on the use of conquered territories to prevent future rivalries.²³ Of course, the 'tutelage' that the mandatory powers were to exercise would allow them to maintain strategic priorities and, it was assumed, ensure subservience to Western political institutions when mandated territories reached 'independence' – whatever form that would take.²⁴ Yet it has perhaps been too easy to make the assumption that this rhetoric was only a superficial justification. Trusteeship allowed colonial officials to justify their presence in Palestine through discourses of 'improvement' and 'progress' but, as will be demonstrated in this thesis, it also profoundly influenced the mandatory administration by emphasising the importance of various ideals such as constitutional legitimacy through advancing forms of self-government; liberal economic development through 'rational' reform of land tenure; the maintenance of public security by civilian bodies; and access to basic forms of elementary and 'technical' education.

²¹ Hansard HC Deb, 30 July 1919, Vol. 118, c2175.

²² Michael Adas, 'Contested Hegemony: The Great War and the Afro-Asian Assault on the Civilising Mission Ideology', *Journal of World History*, Vol. 15, No. 1, (2004), pp.41-2; Susan Pedersen, 'The Meaning of the Mandates System: An Argument', *Geschichte und Gesellschaft*, Vol. 32, No. 4, (October-December 2006), pp.560-582.

²³ William Roger Louis, 'The United Kingdom and the Beginning of the Mandates System, 1919-1922', *International Organisation*, Vol. 23, No. 1, (Winter 1969), pp.73-96.

²⁴ Scott Atran, 'The Surrogate Colonisation of Palestine, 1917-39', *American Ethnologist*, Vol. 16, No. 4, (November 1989), pp.720.

The Historiography of British Rule in Palestine

Doctrines of trusteeship have rarely been used to analyse the Palestine mandate. Instead, historians have, understandably, tended to focus on the development of Arab-Jewish tensions in Palestine as their primary concern. As the formative period of the Arab-Israeli conflict, the mandate has generated a substantial body of work that seems incongruous with the fact that it was actually a 'relative blip in the history of empire', lasting from just 1922 to 1948.²⁵ The reason for this is that, after declaring its intention to hand the mandate back to the United Nations in May 1947, the British withdrawal from Palestine a year later, amidst escalating violence, was one of the greatest failures in British imperial history.²⁶ Not only did Britain evacuate without designating a successor government (a unique state of affairs in the long history of empire) but the fate of Palestine was left to be decided by a civil war that quickly escalated into a destabilising regional confrontation. The legacy of that war remains unsolved and continues to define the political situation in the Middle East, but it has also had a profound effect on the historiography of the mandate period. The subsequent development of the conflict has formed the overarching theme of much of the literature on British rule in Palestine, which has reflected political and cultural debates from 1948 to the present. The influence of such debates has led to periodic re-examination of the history of the mandate as new frameworks of interpretation are established which mirror contemporary concerns.

Many historians have come to acknowledge that much of the early historiography on mandatory rule was written from perspectives that had been distorted by either ideological bias or methodological failings.²⁷ For Kenneth Stein, the importance of advocating a political viewpoint had undermined 'nuances of terminology, the causation of events, [and] the identification of mechanisms of change in the conflict's evolution'.²⁸ Arguably, however, the problem was more fundamental as scholars tended to operate out of national historical narratives that placed discursive limits upon their categories of analysis and the conclusions

²⁵ Nicholas E. Roberts, 'Re-Remembering the Mandate: Historiographical Debates and Revisionist History in the Study of British Palestine', *History Compass*, Vol. 9, No. 3, (March 2011), p.216.

²⁶ D.K. Fieldhouse, *Western Imperialism in the Middle East, 1914-1958*, (Oxford, Oxford University Press, 2009), p.151.

²⁷ See Roberts, 'Re-Remembering the Mandate', p.215-30; Rachel Maissy-Noy, 'Palestinian Historiography in Relation to the Territory of Palestine', *Middle Eastern Studies*, Vol. 42, No. 6, (November 2006), pp.889-905; Martin Bunton, 'Mandate Daze: Stories of British Rule in Palestine, 1917-48', *International Journal of Middle Eastern Studies*, Vol. 35, No. 3, (August 2003), pp.485-92; Zachary Lockman, 'Railway Workers and Relational History: Arabs and Jews in British-Ruled Palestine', *Comparative Studies in Society and History*, Vol. 35, No. 3, (July 1993), pp.601-27; Kenneth Stein, 'A Historiographic Review of Literature on the Origins of the Arab-Israeli Conflict', *American Historical Review*, Vol. 96, No. 5, (December 1991), pp.1450-65.

²⁸ Stein, 'A Historiographic Review of Literature on the Origins of the Arab-Israeli Conflict', p.1564.

they could reach.²⁹ Such narratives gave significant attention to ‘elites’ and the diplomatic, political, and military aspects of history, to the disadvantage of ‘other’ groups and the social, economic, and cultural dimensions of the mandate in Palestine. This theory – called the ‘dual society’ model – assumed that the Arab and Jewish communities had fundamentally disconnected historical trajectories that, because of their divergent national aims, could only interact in certain ways, the chief of which was conflict, violent or otherwise.³⁰ The conceptual paradigm on which these narratives rested was a fixed representation of the Arab and Jewish communities as self-contained, monolithic entities that developed along distinct and independent paths in accordance with their unique internal dynamics.

Much of the early historiography was influenced by the dual society model. A key premise of this hypothesis was that the ideological and political pressures exerted within the Arab and Jewish communities produced a form of economic stratification that resulted in divergent levels of modernisation and restricted mutual relations.³¹ If the main interaction this model allowed for was conflict, then it is unsurprising that it formed a dominant theme in the historiography. Before the release of archival materials, the earliest studies attempted to understand the major turning points under the mandate and how politics had shaped aspects of the conflict’s origin.³² Such studies emphasised the inevitable nature of the conflict and categorised Britain’s role as one of conciliation between the two communities. The de-classification of official documents, particularly those of the Colonial and Foreign Offices, during the 1970s and 1980s enabled a core body of literature that focused on ‘elite’ diplomatic, political, and military history.³³ An important theme that these works displayed was the tendency to regard Zionism as the key factor driving the history of the mandate, presenting a trajectory of Jewish development against Arab backwardness.

²⁹ Roberts, ‘Re-Remembering the Mandate’, p.215.

³⁰ Lockman, ‘Railway Workers and Relational History’, pp.601-2.

³¹ Dan Horowitz and Moshe Lissak, *Origins of the Israeli Polity: Palestine under the Mandate*, (Chicago, University of Chicago Press, 1978), p.13.

³² See Jacob Hurewitz, *The Struggle for Palestine*, (New York, Norton, 1950); Christopher Sykes, *Crossroads to Israel*, (London, Collins, 1965).

³³ See Michael Cohen, *Palestine, Retreat from the Mandate: The Making of British Policy, 1936-45*, (London, Elek, 1978); G. Sheffer, ‘British Colonial Policy-Making Towards Palestine, 1929-39’, *Middle Eastern Studies*, Vol. 14, No. 3, (1978); Bernard Wasserstein, *The British in Palestine: The Mandatory Government and the Arab-Jewish Conflict, 1917-1929*, (Oxford, Basil Blackwell, 1991); Nicholas Bethell, *The Palestine Triangle: The Struggle between the British, the Jews, and the Arabs, 1935-48*, (London, Deutsch, 1979); Wm. Roger Louis and Robert W. Stookey (ed.), *The End of the Palestine Mandate*, (London, Tauris, 1986); Michael Cohen, *Palestine to Israel: from Mandate to Independence*, (London, Frank Cass, 1988); Ritchie Ovendale, *Britain, the United States, and the End of the Palestine Mandate, 1942-48*, (Woodbridge, Royal Historical Society, 1989). See also Kenneth Stein’s historiographic essay for a comprehensive overview of this ‘traditional’ literature.

The field has, however, become more nuanced as the value of the dual society explanation for analysing Arab-Jewish relations was undermined during the late 1980s and early 1990s through the work of revisionist historians who questioned some of the key assumptions that underpinned it. Among the revisionists, the 'new Israeli' historians were particularly prominent in challenging the conventional narratives of early Zionist historiography, especially regarding the events of 1948 and the 'myths' surrounding the establishment of the Israeli state.³⁴ This project of critique allowed a re-conceptualisation of the Arab-Jewish problem to create a framework that involved an exploration of the social, economic, and cultural dimensions of each society in what has been called a 'relational' approach.³⁵ The main concern of this new approach was to emphasise that an understanding of the Arab and Jewish communities could only be adequately reached by studying the ways in which both were constituted and shaped by a complex matrix of economic, political, social, and cultural interactions.³⁶ If the dual society model was characterised by a 'realist' approach to Arab-Jewish interests and interactions, the social and cultural aspects of the relational paradigm signalled a move towards more 'discursive' frames of analysis and emphasised the importance of cultural understandings in shaping relationships under the mandate. The utility of this concept has allowed it to deliver more sophisticated conclusions about Arab-Jewish relations.³⁷

In terms of the British role under the mandate, both frameworks have presented some difficulties as the predominant focus has been on the Arab and Jewish communities in Palestine or the policy of the British government in London, which tends to neglect the importance of how Britain administered the mandate in a quotidian context. The function of the mandatory administration has typically been portrayed as that of a neutral 'umpire' attempting to 'hold the ring' between the two communities until tensions escalated to such a

³⁴ See Simha Flapan, *The Birth of Israel: Myths and Realities*, (New York, Pantheon, 1987); Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-49*, (Cambridge, Cambridge University Press, 1989); Avi Shlaim, *Collusion Across the Jordan: King Abdullah, the Zionist Movement, and the Partition of Palestine*, (Cambridge, Columbia University Press, 1988); Ilan Pappé, *Britain and the Arab-Israeli Conflict, 1948-51*, (Basingstoke, Macmillan, 1988); Gershon Shafir, *Land, Labor, and the Origins of the Israeli-Palestinian Conflict, 1882-1914*, (Cambridge, Cambridge University Press, 1989).

³⁵ Lockman, 'Railway Workers and Relational History', p.604.

³⁶ See Zachary Lockman, *Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906-48*, (Berkeley, University of California Press, 1996); Ronen Shamir, *Colonies of Law: Colonialism, Zionism, and Law in Early Mandate Palestine*, (Cambridge, Cambridge University Press, 2000); Mark Levine, *Overthrowing Geography: Jaffa, Tel Aviv, and the Struggle for Palestine, 1880-1948*, (Berkeley, University of California Press, 2005); Hillel Cohen, *Army of Shadows: Palestinian Collaboration with Zionism, 1917-48*, (Berkeley, University of California Press, 2009); Ilan Pappé, *A History of Modern Palestine: One Land, Two Peoples*, (Cambridge, Cambridge University Press, 2012).

³⁷ Lockman, 'Railway Workers and Relational History', p.605.

point that Britain had no choice but to withdraw. The contentious issue of land, a fundamental prerequisite for nation-building, was deemed to embody a *laissez-faire* British position that enabled the Zionists to exploit their influence under the mandate and the inherent weakness of Arab society to build the nucleus of a state whilst Britain did little to intercede except to uphold law and order. Such an approach, it was argued, allowed Britain to tolerate a systemic process of land transfers from Arabs to Jews.³⁸ The focus on 'high' policy, white papers, and the decision-making process in London led historians to question whether Britain was 'pro-Arab', 'pro-Zionist', or even just 'pro-British' in its attitude towards Palestine, yet this can often create a reductive framework of analysis. So, too, can the tendency to present the years between 1920 and 1936 as recurring cycles that Britain was unable to control. This cycle went as follows: the Zionist movement in London would pressure the British government to establish a favourable situation in Palestine, which would result in a reaction – diplomatic or violent – from the Arab community; a commission of inquiry would then produce conclusions sympathetic to the Arabs; after which a diplomatic struggle in London would allow the Zionists to use their influence and restore the status quo to begin a new cycle.³⁹ Whilst this pattern of events clearly happened, the cycle does not go far enough in incorporating the role of the mandatory administration, its capacity for influencing events, and the changes that were actually occurring in Palestine under the mandate.

In the late 1990s, historians began to explore the more routine aspects of the mandatory government.⁴⁰ These studies were a welcome development in the historiography, but some conceptual restraints that had characterised the study of the British rule in Palestine remained: namely, a tendency to concentrate on Zionism as the major driving force behind developments during the mandate period. Naomi Shepherd concluded that colonial officials, however well-meaning, were ultimately 'ploughing sand' in their attempt to develop an administrative apparatus that nurtured Arab-Jewish relations as the foundation for a polity because Zionism inevitably exacerbated nationalist tensions on both sides.⁴¹ A.J. Sherman

³⁸ See Kenneth Stein, *The Land Question in Palestine, 1917-39*, (Chapel Hill, University of North Carolina Press, 1984); Pappé, *A History of Modern Palestine*, pp.97-102.

³⁹ W.F. Abboushi, 'The Road to Rebellion: Arab Palestine in the 1930s', *Journal of Palestine Studies*, Vol. 6, No. 3, (Spring 1977), p.23.

⁴⁰ See Andrew Sherman, *Mandate Days: British Lives in Palestine, 1918-48*, (London, Thames and Hudson, 1997); Naomi Shepherd, *Ploughing Sand: British Rule in Palestine, 1917-48*, (London, John Murray, 1999); Segev, *One Palestine, Complete*; Roza El-Eini, *Mandated Landscape: British Imperial Rule in Palestine, 1929-48*, (London, Routledge, 2006).

⁴¹ Shepherd, *Ploughing Sand*, p.247.

suggested that British administrators favoured the Arabs in Palestine because they resembled a traditional 'subject' population that needed protection and guidance against Zionism.⁴² Tom Segev, coming from the 'new Israeli' perspective, argued that Jewish nation-building took place under British protection and that British actions 'considerably favoured the Zionist enterprise', in an attempt to revise a prevailing theme in Zionist historiography that treated Britain as an imperialist oppressor from whom independence was won.⁴³

Despite divergent views on the British attitude to Zionism, the prevailing themes within the historiography are the failure and futility of the mandatory administration. The desert provided the metaphorical imagery; not only was Britain 'ploughing sand' but 'from the outset, the British edifice had been built on [it]'.⁴⁴ A common verdict was that the creation of a bi-national state in Palestine was impossible, that Arab-Jewish conflict under mandate was inevitable, and that the consequent civil war was unavoidable. As Martin Bunton has suggested, a major problem with such views is that they can display a 'conspicuous act of retroactive determinism'.⁴⁵ The issue of context also manifests itself in the failure of these works to situate the Palestine mandate within the wider current of ideas on British imperialism and colonialism in the inter-war years, which is unfortunate because in turning away from 'high' policy some of these works actually sought to address the question of what motivated colonial officials and a connection such as this could have allowed a broader conceptual scope.⁴⁶

Bunton has adopted a wider frame of reference in his study on the land system in Palestine by focusing on the way in which the mandate was part of a broader system of British imperial administration.⁴⁷ He suggests that Palestine was a quasi-colonial territory with fundamental cultural and religious divisions that were not particularly unusual within the British empire. As many officials who served in Palestine had also been stationed elsewhere in the colonial empire, they brought their habits of mind and preconceptions with them. His book, *Colonial Land Policies in Palestine*, is a detailed examination of how these officials attempted to apply prior assumptions and experiences to the problems of land ownership and use in Palestine. In these issues, Arab-Jewish tensions were relatively insignificant as the main difficulty for the mandatory administration was an archaic system of land tenure.

⁴² Sherman, *Mandate Days*, p.16

⁴³ Segev, *One Palestine, Complete*, p.5.

⁴⁴ Ibid, p.515.

⁴⁵ Bunton, 'Mandate Daze', p.485.

⁴⁶ Sherman, *Mandate Days*, pp.11-54.

⁴⁷ Bunton, *Colonial Land Policies in Palestine*, pp.1-29.

Bunton argues that the British instinct to reform the land system, with the aim of creating a society of freeholders and tenants with clearly defined rights in a market economy, was derived from their own experiences of the empire, which were far more influential than the commitment to build a Jewish national home. The core of his study examines the attempt to create a free market economy and the problems that caused it to fail, but the historiographical reorientation that it embarks upon is one that needs to be applied across all aspects of the mandate, not just the land regime.

Orientalism, Empire, and Trusteeship

The cultural preconceptions held by colonial officials are a crucial yet relatively under-explored aspect of British rule in Palestine. A recent historiographic review of the literature on the mandate has described British rule 'as ripe for the kind of post-colonial and subaltern analyses that the history of Zionist settlement and Palestinian nationalism has gone through'.⁴⁸ Post-colonial theory has significant potential to enrich historical investigation of the British imperial and colonial experience, yet traditional historians have been reluctant to engage with these analytical tools. In many areas of British academic history, the reception of post-colonial thought has been ambivalent, with historians remaining staunchly committed to empiricism.⁴⁹ This has especially been the case with conservative historians of the empire, where there have been few 'big ideas' and relatively little 'theory-building'; it is perhaps telling that debate still revolves around the century old theories of J.A. Hobson or the half-century old ones of Ronald Robinson and John Gallagher.⁵⁰ Overall, historians have been sceptical of explanations that obscure the variety of the British imperial experience.⁵¹ At times, this general hesitancy is understandable as some post-colonial theorists treat imperialism as an abstract that can be removed from the context of its 'history' altogether through a predisposition to treat imperial power as an all-embracing, trans-historical force that controls and transforms every aspect of colonised societies.⁵²

These tendencies have formed a divide between political and cultural historians that has become difficult to cross. Stephen Howe has suggested that 'imperial history and colonial

⁴⁸ Roberts, 'Re-Remembering the Mandate', p.223.

⁴⁹ See Patrick Joyce, 'The Return of History: Postmodernism and the Politics of Academic History in Britain', *Past & Present*, Vol. 151, No. 1, (February 1998), pp.207-35.

⁵⁰ See J.A. Hobson, *Imperialism: A Study*, (London, James Nisbet & Co, 1902); and Ronald Robinson and John Gallagher, *Africa and the Victorians: The "Official Mind" of Imperialism*, (London, Macmillan, 1961).

⁵¹ See, for example, David Cannadine, 'The Empire Strikes Back', *Past & Present*, Vol. 147, No. 1, (May 1995), p.182.

⁵² See, for example, Homi Bhabha, *The Location of Culture*, (London, Routledge, 2004).

discourse analysis, the traditional chroniclers and the cultural theorists, apparently speak mutually incomprehensible – worse, reciprocally despised – languages’.⁵³ The polemical context of the debate that surrounds post-colonial critique has frequently resulted in ‘overdetermined’ caricatures of the positions of both its practitioners and their critics that have impeded opportunities for positive exchanges, despite a variety of calls for this to happen.⁵⁴ A constructive engagement with post-colonial theory can provide a greater understanding of the cultural preconceptions that British officials carried with them in Palestine. The most recent and detailed attempt to utilise post-colonial theory in a study on the mandate has not provided a particularly stable platform for historical investigation as it homogenises all of the preceding historiography as an integral part of the colonial discourse and proceeds to dismiss or ‘unwrite’ it all.⁵⁵ Nevertheless, it remains the case that understanding cultural assumptions offers an important mode of generating new perspectives on British actions under the mandate; in using post-colonial theory, this thesis will seek to expand on conventional narratives of trusteeship by suggesting that cultural images played a significant role in shaping the implementation of policies on the ground.

To understand those images, this thesis will argue that Edward Said’s path-breaking study *Orientalism* can be used to provide a framework of analysis for historical investigation.⁵⁶ In looking beyond the conception of colonial power as a material phenomenon and presenting it instead as an epistemological system, *Orientalism* served as a foundational text for the discipline of post-colonial studies and is one of the most important books of the late twentieth century. It is now relatively old, published over 30 years ago, yet it retains significant potential: as Edmund Burke III and David Prochaska have recently suggested, ‘rumours of its demise have been greatly exaggerated’.⁵⁷ A key part of its capacity to enrich historical investigation lies in its ability to develop a perspective that can scrutinise

⁵³ Quoted in John Mackenzie, ‘Edward Said and the Historians’, *Nineteenth Century Contexts*, Vol. 18, No. 1, (1994), p.23.

⁵⁴ Mrinalini Sinha, ‘Historia Nervosa or Who’s Afraid of Colonial-Discourse Analysis?’, *Journal of Victorian Culture*, Vol. 2, No. 1, (Spring 1997), p.115; Dane Kennedy, ‘Imperial History and Post-Colonial Theory’, *Journal of Imperial and Commonwealth Studies*, Vol. 24, No. 3, (September 1996); Bart Moore-Gilbert, ‘Postcolonial Cultural Studies and Imperial Historiography: Problems of Interdisciplinarity’, *Interventions*, Vol. 1, No. 3, (1999); Edmund Burke III and David Prochaska (ed.), *Genealogies of Orientalism: History, Politics, Theory*, (Lincoln, University of Nebraska Press, 2008); Spencer Mawby, ‘Orientalism and the Failure of British Policy in the Middle East: The Case of Aden’, *Journal of the Historical Association*, Vol. 95, No. 319, (July 2010), pp.332-353.

⁵⁵ Zeina Ghandour, *A Discourse on Domination in Mandate Palestine: Imperialism, Property, Insurgency*, (London, Routledge, 2009).

⁵⁶ Edward W. Said, *Orientalism: Western Conceptions of the Orient*, (London, Penguin, 2003).

⁵⁷ Burke and Prochaska, ‘Introduction: Orientalism from Postcolonial Theory to World History’, in Burke and Prochaska (ed.), *Genealogies of Orientalism*, p1.

'elitist' sources whilst not necessarily privileging an elitist viewpoint. Said's ideas can enable analysts to 'identify' the pattern of cultural references that are present in the archival record on the mandate. It is therefore particularly useful for analysing the views of colonial administrators, which has become somewhat lost as cultural theorists have tended to concentrate on cultural production rather than policy-making. Said is also more attentive to 'history' than most theorists from the post-colonial canon as he paid considerable attention to what went on 'outside' the text. As Burke and Prochaska explain, Said sought to place 'individual authors in a historical tradition' and in doing so gave different treatment and attached varying levels of importance to those writers, which is demonstrative of the fact that *Orientalism* is more historically nuanced than Said is often given credit for.⁵⁸ Nevertheless, the book has drawn sustained criticism on the grounds that it is ahistorical or theoretically inconsistent.⁵⁹ This thesis is not the place to recount or resolve these long-running debates – if that were even possible – but some general points can be made by way of explaining how Orientalism supports trusteeship and the analytical framework of this thesis.

In its broadest sense, Said explained that Orientalism was a way for Europe to come to terms with the Orient based on its special place in Western experience. This experience included a cultural enterprise that was 'almost a European invention, and had been since antiquity a place of romance, exotic beings, haunting memories and landscapes, remarkable experiences'.⁶⁰ Said therefore suggests that Orientalism is the sum of Western representations of 'the East'. In a more specific manner, Said delivered three separate, yet inter-dependent meanings for Orientalism that give shape to a general understanding of it. Firstly, Said gives an academic meaning:

Anyone who teaches about, writes about, or researches the Orient – and this applies whether the person is an anthropologist, sociologist, historian, or philologist – either

⁵⁸ Ibid, p.8.

⁵⁹ Generally, critiques of *Orientalism* fall into two categories: critical engagements and hostile dismissals. The more important critical engagements are James Clifford, 'On Orientalism' *The Predicament of Culture: twentieth century ethnography, literature, and art*, (Cambridge, Mass., Harvard University Press, 1988); Dennis Porter, 'Orientalism and Its Problems' in Francis Barker (ed.), *The Politics of Theory: Proceedings from the Essex Conference on the Sociology of Literature*, (Colchester, University of Essex, 1982); Sadik Jalal al-'Azm, 'Orientalism and Orientalism in Reverse', *Khamsin*, No. 8, (1981); and Homi Bhabha, 'The Other Question: Stereotype, Discrimination, and the Discourse of Colonialism', *The Location of Culture*. For the latter, see Bernard Lewis, 'The Question of Orientalism', *Islam and the West*, (Oxford, Oxford University Press, 1993); John Mackenzie, *Orientalism: History, Theory, and the Arts*, (Manchester, Manchester University Press, 1995); Robert Irwin, *For Lust of Knowing: The Orientalists and their Enemies*, (London, Penguin, 2007); and Ibn Warraq, *Defending the West: A Critique of Edward Said's Orientalism*, (Amherst, Prometheus Books, 2007).

⁶⁰ Said, *Orientalism*, p.1.

in its specific or its general aspects, is an Orientalist, and what he or she does is Orientalism.⁶¹

This suggests an extremely broad area of inter-disciplinary academic knowledge. Until *Orientalism* was published, this was the conventional conception of an orientalist; a scholar working in a field of (somewhat arcane) academic knowledge concerned with applying impartial scientific methods and value-free techniques to studying the peoples, cultures, religions, and languages of the Orient. But Said went on to suggest that these 'value-free' techniques were actually based on an imaginary and binary division between the Orient and the Occident, giving Orientalism a metaphysical character:

Orientalism is a style of thought based upon an ontological and epistemological distinction made between 'the Orient' and (most of the time) 'the Occident.' Thus a very large mass of writers... have accepted the basic distinction between the East and West as the starting point for elaborate theories, epics, novels, social descriptions, and political accounts concerning the Orient, its people, customs, 'mind,' destiny, and so on. *This* Orientalism can accommodate Aeschylus, say, and Victor Hugo, Dante and Karl Marx.⁶²

This dichotomy between the East and the West is created through what Said calls 'imaginative geography', where the practice of designating in one's mind a familiar space which is 'ours' and an unfamiliar space beyond that as 'theirs' is a way of making geographical distinctions that *can* be arbitrary, but also become replete with suppositions, assumptions, and fictions that crowd the unfamiliar space and give it meaning.⁶³ It is in the traffic between the academic and imaginative meanings of Orientalism that Said comes to the third meaning of Orientalism, which is more historically and materially defined than the other two:

Taking the late eighteenth century as a very roughly defined starting point Orientalism can be discussed and analysed as the corporate institution for dealing with the Orient – dealing with it by making statements about it, authorising views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a Western style for dominating, restructuring and having authority over the Orient.⁶⁴

It is this meaning of Orientalism that helps to produce and sustain a rationalisation for the foundation of commercial, economic, or strategic interests in the Orient. This institutional sense of Orientalism helps to promote and sustain the colonial conquest of or imperial rule over the Orient.

⁶¹ Ibid, p.2.

⁶² Ibid, pp.2-3.

⁶³ Ibid, p.54.

⁶⁴ Ibid, p.3.

The key point to be taken forward from this reading of *Orientalism* is to acknowledge the importance of representation without abandoning the idea that an underlying reality *is* being represented. From the suggestion that the Orient and the Occident as both geographical and cultural entities are constructed around a series of man-made binary divisions imposed by the Orientalist, it should be clear that Said's argument revolves around the idea that Western representations of the Orient are not based on what is actually 'there' but on observations that result from subjective fantasies and assumptions on what this radically different place *should* contain. In suggesting that Orientalists 'constructed' the Orient, what Said insists is that Orientalism actually reveals little about the so-called Orient, but far more about the culture and values of the Orientalists who have constructed it.⁶⁵

Crucially, however, Orientalism functioned as an institution. It would be wrong to conclude that the Orient 'was *essentially* an idea, or a creation with no corresponding reality'.⁶⁶ The imaginative assumptions of Orientalism, supplied by academic Orientalists, are disseminated through an institutional structure whose opinions and views on the Orient circulate as objective truths; Orientalism is

Not an airy European fantasy about the Orient, but a created body of theory and practice in which, for many generations, there has been a considerable material investment. Continued investment made Orientalism, as a system of knowledge about the Orient, an accepted grid for filtering through the Orient into Western consciousness, just as that same investment multiplied – indeed, made truly productive – the statements proliferating out from Orientalism into the general culture.⁶⁷

So whilst acknowledging the man-made and arbitrary nature of the structures of Orientalism, Said is suggesting that it is not simply the case that it is 'a structure of lies and or of myths which, were the truth about them to be told, would simply blow away'. Said's contention is that 'ideas, cultures, and histories cannot seriously be understood or studied without their force, or more precisely their configurations of power, also being studied'.⁶⁸ The relationship between the Orient and Occident was one of power and of domination. The Orient was 'Orientalised' not only because it was discovered to be 'Oriental', but also because the Orientalist could speak for and represent the Orient as a consequence of the disparity in strength between the East and the West.

⁶⁵ John McLeod, *Beginning Postcolonialism*, (Manchester, Manchester University Press, 2000), p.41.

⁶⁶ Said, *Orientalism*, p.5.

⁶⁷ Ibid, p.6.

⁶⁸ Ibid, pp.5-6.

The focus on power is reflective of the diverse theoretical underpinnings of Orientalism and the flexibility of Said's method. This is where he has opened himself to various charges of inconsistency, but it is also why Orientalism is so productive and enabling. One of the most apparent influences in the book is from Michel Foucault. For Foucault, power was an anonymous network of relations which is strategic only in the way that it seeks to maximise itself by all means. For example, governments are the agents of power, not its author, and individuals are only ever 'functions' of the systems within which they operate. Said, on the other hand, stressed that Western domination of the non-Western world was not an arbitrary or anonymous phenomenon but a conscious process governed by the intention of individuals as well as by institutional imperatives: 'unlike Michel Foucault, to whose work I am greatly indebted, I do believe in the determining imprint of individual writers upon the otherwise anonymous collective body of texts constituting a discursive formation like Orientalism'.⁶⁹ Said inscribes a model of agency and intention in Orientalism that allows him to analyse various Orientalists who have contributed to the construction of the discourse.

This deviation is largely the result of Said's attempts to synthesize the concepts of power and discourse from Foucault with that of hegemony from Antonio Gramsci. One of the key influences is Gramsci's notion that cultural reproduction operates alongside the more tangible and public mediations of power, such as government and legal systems, to position groups into hierarchical relations. Gramsci's main concern was with the way that consent was solicited from 'subaltern' sectors of civil society through channels like cultural practices; he argued that 'one should not count only on the material force which power gives in order to exercise an effective leadership'.⁷⁰ Said's notion of Orientalism owes much to Gramsci's conceptualisation of the dynamics of domination, stating that

Culture, of course, is to be found operating within civil society, where the influence of ideas, of institutions, and of other persons works not through domination but by what Gramsci calls consent. In any society not totalitarian, then, certain cultural forms predominate over others, just as certain ideas are more influential than others; the form of this cultural leadership is what Gramsci has identified as *hegemony*, an indispensable concept for any understanding of the cultural life in the industrial West. It is hegemony, or rather the result of cultural hegemony at work, that gives Orientalism the durability and strength I have been speaking about so far.⁷¹

⁶⁹ Said, *Orientalism*, p.23.

⁷⁰ Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, (London, Lawrence and Wishart, 1971), p.59.

⁷¹ Said, *Orientalism*, p.7.

The hegemonic qualities of Orientalism are responsible for giving it such institutional strength in that Orientalist representations were accepted by both coloniser and colonised alike.

One of the major aspects of the modern manifestation of Orientalism is its close relationship with imperialism and colonialism. In this respect, the assumption of an essential difference between Orient and Occident provides a crucial enabling element. Said suggests that 'to say simply that Orientalism was a rationalisation of colonial rule is to ignore the extent to which colonial rule was justified in advance by Orientalism'.⁷² In producing that justification, Orientalism connects to prevailing trends in Western culture – for example, liberalism, utilitarianism, and rationalism – to create the sense that the Orient required forms of European tutelage and trusteeship to progress and take up its place in the 'modern' world. In such terms, the Gramscian influence on Orientalism is perhaps most pertinent for this thesis. It is worth recalling Said's description of the institutional nature of Orientalism 'as a Western style for dominating, restructuring, and having authority over the Orient'.⁷³ Orientalist representations were instrumental in providing meaning to areas marked for colonial rule because they provided a powerful binary image of superior Occidentals and inferior Orientals.

The essential feature of this binary was that the relationship between the East and the West, on political, cultural, and even religious grounds, was seen – in the West – to be one between a strong and a weak partner. As Said explained,

Many terms were used to express the relation... The Oriental is irrational, depraved (fallen), childlike, "different"; thus the European is rational, virtuous, mature, "normal". But the way of enlivening the relationship was everywhere to stress the fact that the Oriental lived in a different but thoroughly organised world of his own, a world with its own national, cultural, and epistemological boundaries and principles of internal coherence.⁷⁴

The main point is that the Oriental is both *contained* and *represented* by this dominating framework, which was like a library or archive of information commonly held and bound together by a family of ideas and a unifying set of values.⁷⁵ With the development of modern Orientalist discourse, there was

The distillation of essential ideas about the Orient – its sensuality, its tendency to despotism, its aberrant mentality, its habits of inaccuracy, its backwardness – into a

⁷² Ibid, p.39.

⁷³ Ibid, p.3.

⁷⁴ Ibid, pp.39-40.

⁷⁵ Ibid.

separate and unchallenged coherence; thus for a writer to use the world *Oriental* was a reference for the reader sufficient to identify a specific body of information about the Orient.⁷⁶

These 'distilled' ideas explained the behaviour of Orientals. For the colonial administrator, who, as Said explained, 'could draw upon the empirical and spiritual reserves of a long tradition of executive responsibility towards the colored races', Orientalism supplied Orientals with a mentality, a genealogy, and an environment but, most importantly, it allowed Europeans to deal with and attribute to Orientals a set of general characteristics that justified the necessity of colonial rule.⁷⁷ Orientalism thus facilitated the core precepts of trusteeship by providing the images of an inferior, backward population in need of assistance and an advanced, superior one capable of delivering the required guidance.

It is important to note how strongly the general character ascribed to the Oriental could withstand the rhetorical and existential force of obvious exceptions. Said explained that 'the general category in advance offers the specific instance a limited terrain in which to operate: no matter how deep the specific exception, no matter how much a single Oriental can escape the fences placed around him, he is *first* an Oriental, *second* a human being, and *last* again an Oriental'.⁷⁸ This general category, which was able to override individual exception, not only displays the hegemonic strength of Orientalist discourse but also explains how colonial administrators could knowingly deal with and make such sweeping judgments about large subject-populations that permeate the archival record. The importance of this cannot be overstated because it sustained the various negative stereotypes about the Palestinian Arabs that provided a stable base for the exercise of trusteeship. This is why Orientalism has a significant degree of utility in analysing colonial officials' understanding and decisions in the policy-making process. To analyse that process, this thesis focuses predominantly on the link between the Colonial Office in London and the office of the high commissioner in Jerusalem.

If the binary image of superior Occidentals and inferior Orientals provided a fairly straightforward approach to the Arab community through paternal applications of trusteeship, it was more complicated for the Jewish community. British officials in Palestine have often been accused of 'unfavourable' attitudes towards Jews in Palestine that expressed latent anti-

⁷⁶ Ibid, p.205.

⁷⁷ Ibid, p.226; p.42.

⁷⁸ Ibid, p.102.

Zionism and anti-Semitism.⁷⁹ In truth, British-Jewish relations in Palestine were primarily marked by a fundamental sense of ambivalence. In one respect, this stemmed from the ambiguity of the Balfour Declaration. The declaration – and British wartime diplomacy as a whole – has been subject to significant historical interpretation.⁸⁰ James Renton has recently suggested that it was issued as a piece of wartime propaganda through misguided notions of international Jewish power.⁸¹ The ambivalence in British-Jewish relations, however, ran much deeper than political difficulties over the precise interpretation of the Balfour Declaration.

Despite Zionist historiography presenting the establishment of the national home as an anti-colonial movement, it is more useful to see Jewish settlement in Palestine as part of a process of ‘dual’ colonisation.⁸² If Britain was responsible for providing an ‘umbrella’ in the form of political and economic infrastructure, the Zionist movement supplied immigrants, purchased land, and developed its own national institutions. This meant that British officials were unsure whether to treat Jews as ‘natives’ or as Europeans. In this respect, Zionism was, in the British mind, a strange competitor. It vied for the status of coloniser whilst remaining subject to British colonial rule, which upset the traditional binary image on which colonialism rested.⁸³ As Ronen Shamir suggested, relations ‘fluctuated between cooperation and animosity, were marred by suspicion and hostility, and were, in general, ambivalent and conflictive’.⁸⁴ However, the international sanction given to Zionism during and after the First World War confirmed that European statesmen believed that the Jewish people had acquired ‘modern’ dispositions through their European origins. Zionism was founded on a unique blend of European ideology that married ancient Jewish tradition to nineteenth-century humanistic and liberal thought and twentieth-century nationalism and socialist-revolutionary

⁷⁹ See Evyatar Friesel, ‘British Officials and Palestine, 1923’, *Middle Eastern Studies*, Vol. 23, No. 2, (April 1987), pp.194-210; and ‘Through a Peculiar Lens: Zionism and Palestine in British Diaries, 1927-31’, *Middle Eastern Studies*, Vol. 29, No. 3, (July 1993), pp.419-44; Atran, ‘The Surrogate Colonisation of Palestine’, p.23.

⁸⁰ See Leonard Stein, *The Balfour Declaration*, (London, Vallentine Mitchell, 1961); Mayir Vereté, ‘The Balfour Declaration and Its Makers’, *Middle Eastern Studies*, Vol. 6, (1970), pp.48-76; Elie Kedourie, *In the Anglo-Arab Labyrinth: the McMahon-Hussein Correspondence and its Interpretations*, (Cambridge, Cambridge University Press, 1976); Isaiah Friedman, *Palestine: A Twice Promised Land?*, (New Brunswick, Transaction Publishers, 2000); and Jonathan Schneer, *The Balfour Declaration: The Origins of the Arab-Israeli Conflict*, (London, Bloomsbury, 2011).

⁸¹ James Renton, *The Zionist Masquerade: The Birth of the Anglo-Zionist Alliance, 1914-18*, (Basingstoke, Palgrave Macmillan, 2007).

⁸² Shamir, *Colonies of Law*, p.18.

⁸³ *Ibid*, p.20.

⁸⁴ *Ibid*, p.19.

ideology.⁸⁵ The Zionist movement itself was premised on a cultural alliance with Europe, imagining it to be a part of the West; it was not simply the return of the Jews to their ancient heritage but an extension of Western civilisation into the Orient.⁸⁶ The result of this ambivalence in British-Jewish relations was that the Palestine government gave the Zionist movement significant autonomy within the mandatory system.

British Trusteeship in Palestine

Utilising some of Said's ideas, the primary aim of this thesis is to provide a wider approach to British rule in Palestine by exploring how trusteeship influenced the administration of the mandate in five key areas: self-government, immigration, land, education, and law and order. It is clear that within the mandate system, Palestine stood out from other territories because of the adoption of the Balfour Declaration and its eventual inclusion in the preamble of the Palestine mandate. William Rappard suggested it was an 'adventure unique in international politics', yet British support for this 'adventure' did not signal the abrogation of the trust held towards the local population that underpinned the mandate system as a whole. Rappard stated that 'as Mandatory Powers in all other mandated areas, Great Britain in Palestine was to improve the lot of the inhabitants by protecting them against abuses and by assuring them of certain material and moral benefits'.⁸⁷ In utilising a model of trusteeship, this thesis seeks to move away from interpretations that rely on mutually exclusive pro-Zionist and pro-Arab perspectives to explain British actions. Instead, it suggests that the tasks of 'disinterested guardianship', where mandatory powers were to look after the interests of the local population, and 'progressive development' towards self-government created a set of obligations that significantly influenced British officials in Palestine.

Those officials have often been criticised for lacking a consistent or coherent policy towards implementing the mandate.⁸⁸ In this context, it is important that trusteeship is regarded as constituting an *approach* to colonial rule rather than a distinct policy. Even then, it has to be realised that trusteeship offered a significant degree of ambiguity. As Kenneth Robinson claimed in his Reid Lectures on the 'dilemmas of trusteeship' during the inter-war years, 'in the political sphere, as in the economic and social spheres, the principle of trusteeship... did not provide any unambiguous answer to the actual problems of colonial

⁸⁵ Anita Shapira, *Land and Power: The Zionist Resort to Force, 1881-1948*, (Stanford, Stanford University Press, 1999), pp.354-5.

⁸⁶ Atran, 'The Surrogate Colonisation of Palestine', p.723.

⁸⁷ Rappard, 'Mandates and Trusteeships', p.527.

⁸⁸ Segev, *One Palestine, Complete*, p.9.

government'.⁸⁹ In Palestine, this problem was exacerbated by the fact that the term 'national home' had no established meaning or precedent in international law. Instead of a carefully defined strategy, trusteeship and British rule in Palestine relied on a set of general assumptions that became increasingly flawed as the mandate progressed. That these assumptions were necessary reflects James Renton's assertion that the Balfour Declaration and the mandate represented 'flawed foundations' for British rule in Palestine.⁹⁰ Despite, as will be seen, some difficulties in implementing them, these assumptions allowed trusteeship to reconcile the conflicting obligations that the mandatory administration held towards the various communities in Palestine.

The first was the Orientalist assumption that the Arabs of Palestine did not constitute a national body that deserved political rights or self-determination.⁹¹ This caused British officials to repeatedly spurn Arab delegations that travelled to London to lobby the government and obviated the need to engage with the Arab community in the political domain. The issue of nationalism was a particularly controversial issue across the Middle Eastern mandates. Despite repeated calls for self-determination from the local populations, Britain and France were especially reluctant to concede to these requests or even consider them as legitimate. As Arthur Balfour, the foreign secretary between 1916 and 1919, suggested

The language of the Covenant assumes or asserts that in the regions we are discussing, as in other portions of the Turkish Empire, there are in the advanced chrysalis state "independent nations" sufficiently "developed" to demand "provisional recognition", each of which is to be supplied by the Powers with a mandatory till it is able to stand alone. Where and what are these "independent nations"? Are they by chance identical with Syria, Mesopotamia, and Palestine? If so, the coincidence with the Sykes-Picot arrangement is truly amazing, for no such idea was present to the minds of those who framed it.⁹²

This statement demonstrates some of the ambivalence that British policymakers held towards Wilsonian ideals of self-determination in a colonial context, although it is in itself debatable whether President Wilson envisaged the full extension of self-determination to the non-

⁸⁹ Kenneth Robinson, *The Dilemmas of Trusteeship: Aspects of Colonial Policy between the Wars*, (Oxford, Oxford University Press, 1965), pp.71-3.

⁹⁰ James Renton, 'Flawed Foundations: The Balfour Declaration and the Palestine Mandate', in Rory Miller (ed.), *Britain, Palestine, and Empire: The Mandate Years*, (London, Ashgate, 2010), p.21; p.37.

⁹¹ Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood*, (Oxford, Oneworld, 2009), p.33.

⁹² Memorandum by Arthur Balfour, 11 August 1919, FO 406/41.

Turkish peoples of the Ottoman empire.⁹³ The result was that when the Palestine mandate was finally ratified in 1923, it contained a general commitment to advance self-government and local forms of autonomy but specifically only went as far as protecting the 'civil' and 'religious' rights of existing 'non-Jewish' communities. There was no mention of any political rights for a Palestinian Arab – or even simply Arab – national movement. Instead of a national community, the Arabs of Palestine were regarded as a collection of communal groups that were defined by religion, principally Muslim and Christian.⁹⁴ Chapter Two investigates this subject and examines British efforts at developing self-government by looking at both the attempt to secure constitutional development through representative institutions and the expansion of local forms of communal autonomy. It explores how the tensions between advancing self-government under ideas of trusteeship and the imperatives of ensuring 'good' colonial governance hindered the development of representative institutions and shifted the focus of British efforts to the comparatively less controversial sphere of local autonomy.

The second assumption that underpinned trusteeship was that quasi-European economic development, aided by Zionist colonisation, would significantly benefit the local population by increasing prosperity. This, in turn, would supposedly mitigate tensions that might arise from a larger Jewish presence in Palestine.⁹⁵ The effort to establish the Jewish national home was therefore subsumed by the wider application of trusteeship and British support for Zionism became a condition for Arab progress. This presupposition, combined with the belief that the Arabs did not constitute a national body, allowed British officials to encourage the presence of an expanding Jewish national home that ostensibly ran counter to the interests and wishes of the indigenous Arab population. Economic development and the establishment of 'basic' public services were seen as the best methods of establishing a stable foundation for a polity that the various communal groups in Palestine could participate in and, therefore, as the most expedient way of putting Palestine on the road to self-government and discharging the obligations of trusteeship. For example, Eric Mills, a district official in Palestine, wrote that a 'federalised legislature', based on communal representation of Muslims, Christians, and Jews, would only be possible when 'harmony' had been achieved

⁹³ Pankaj Mishra, *From the Ruins of Empire: The Revolt against the West and the Remaking of Asia*, (London, Allen Lane, 2012), p.198.

⁹⁴ Renton, 'Flawed Foundations', p.37.

⁹⁵ Sherman, *Mandate Days*, p.86.

between the various elements of the population through greater prosperity.⁹⁶ The emphasis that trusteeship placed on administrative and infrastructural development as a precondition for the establishment of representative institutions meant that the encouragement of communal co-operation remained a secondary, and substantially unfulfilled, aim under British rule.

The third and fourth chapters of this thesis – concerning immigration and land – take up this economic theme and examine how British attempts to promote growth formed the underlying rationale for changes made to both immigration and land policy. Chapter Three analyses the system that the mandatory administration used to regulate immigration and explores how that system was governed by the notion of economic capacity, which required British administrators to ensure that Jewish immigration did not vitiate the economic position of the local population. Chapter Four looks at how the mandatory administration initiated a wide-ranging process of reform using liberal, rational, and utilitarian values designed to increase the productivity of the land. The central aspect of these reforms was the achievement of secure tenure in order to stimulate a liberal, unobstructed market that would ensure the efficient distribution of agricultural land and allow property owners to raise capital to improve their remaining holdings.

A third assumption that sustained trusteeship related to the longevity of British rule in Palestine. The mandate for Palestine did not specify how or when British obligations would be fulfilled and was vague enough to be implemented in different ways. Ultimately, this gave the mandatory power significant latitude in its approach to fulfilling its obligations and allowed it maintain its own interests. In theory, the Permanent Mandates Commission at Geneva exercised a supervisory role, but the system was loosely organised and oversight had little impact on policymaking.⁹⁷ Colonial officials envisaged a long and unhindered British presence in Palestine: for example, Winston Churchill, when colonial secretary, remarked to an Arab delegation who requested full self-government in Palestine that ‘our children’s children will have passed away by the time that is completed’.⁹⁸ This view allowed British policymakers to postpone difficult decisions about the final stage of the mandate during its early years.

⁹⁶ Minute by Eric Mills, 23 May 1925, Israel State Archives (ISA), 2/0/1/273.

⁹⁷ Susan Pederson, ‘The Impact of League Oversight on British Policy in Palestine’, in Miller (ed.), *Britain, Palestine, and Empire*.

⁹⁸ Churchill to Arab Delegation, 28 March 1921, Colonial Office (CO) 733/2.

In hindsight, these assumptions were fundamentally flawed and slowly unravelled in the face of developing Arab-Jewish tensions, yet this thesis will argue that they sustained a belief in trusteeship in Palestine between the establishment of a civil government in July 1920 and the outbreak of the Arab rebellion in April 1936. The Western Wall riots that broke out in August 1929 are sometimes described as a fundamental turning point after which British policymakers realised that the position in Palestine was untenable.⁹⁹ This thesis will contend that the 1929 riots and the various policy statements made in their aftermath presented less of a challenge to established British policy than is commonly assumed. It was only with the outbreak of the Arab rebellion in April 1936, which significantly disrupted the power of the colonial state, and the publication of the White Paper of 1939, which attempted to address Arab grievances, that the priorities of British rule shifted away from trusteeship.¹⁰⁰ The restrictions on Jewish immigration through the 1939 White Paper policy, the large-scale presence of military forces in the Middle East after 1939, the eventual recognition that the Palestinian Arabs had legitimate national aspirations of their own, and the involvement of other Arab states in the Palestine 'question' all created a new dynamic for the colonial administration of Palestine in the late 1930s.

British colonial rule was typically marked by a 'firm' commitment to uphold law and order through rigorous policing. Ensuring stability, however, also meant preventing social dislocation. Economic development and changes within key administrative areas were regarded as having serious potential to undermine the structure and cultural integrity of the 'traditional' nature of Arab society in Palestine. Concerns over social stability form an important theme for Chapter Five which deals with education. The British priority was to provide basic levels of education on a mass scale: secondary or 'literary' education was discouraged on the grounds that it would exacerbate a dangerous trend of migration from the countryside to the town and, as in other parts of the empire, create a class of disaffected, unemployable clerks likely to engage in anti-colonial politics. Yet British officials also believed in Orientalist tropes that the Arab 'mind' was unsuited to higher forms of education, which demonstrated that such priorities were connected to the 'protective' forms of paternalism that Mantena discusses in *Alibis of Empire*. Where it was possible, colonial

⁹⁹ Ilan Pappé, *A History of Modern Palestine: One Land, Two Peoples*, (Cambridge, Cambridge University Press, 2012), p.90; Penny Sinanoglou, 'British Plans for the Partition of Palestine, 1929-1938', *The Historical Journal*, Vol. 52, No. 1, (March 2009), pp.131-152.

¹⁰⁰ See, for example, Martin Kolinsky, 'The Collapse and Restoration of Public Security', in M. Kolinsky and M. Cohen, *Britain and the Middle East in the 1930s: Security Problems*, (London, Macmillan, 1992); or Michael Cohen, 'Appeasement in the Middle East: The British White Paper on Palestine, May 1939', *The Historical Journal*, Vol. 16, No. 3, (1973), pp.571-596.

officials sought to intervene in native society only when necessary. However, that did not stop Britain from introducing sweeping changes that were deemed necessary but as a 'trustee' there was an underlying principle to respect the indigenous population and endeavour to rule through established, familiar systems.¹⁰¹ The need for social cohesion often produced tension between the developmental and protective aspects of trusteeship; colonial officials were often faced with policy decisions that had the potential to advance their conception of development in Palestine but could also produce short-term consequences that would destabilise Arab society.

Another significant constraint on British rule was economic and financial limitations applied across all aspects of the mandatory administration. Like other colonies, mandated territories were expected to 'pay their own way'.¹⁰² Ironically, though, as Kenneth Robinson explained, 'the trustee was not to use his own money to make the ward's estate more productive'.¹⁰³ The most that the Treasury in London would assent to was the guarantee of an imperial loan of £4.5 million but it was only issued in November 1927, seven years after the idea had first been mooted. By then, most of it was already spent: £1 million was owed to the British exchequer for the railways and assets that the mandatory administration took over from the military administration, £2 million was owed to the Crown Agents, and the rest was earmarked for the development of a deepwater port at Haifa, which was as much an imperial need as a Palestinian one.¹⁰⁴ The passing of the Colonial Development Act in 1929, which was intended mainly for colonies in the tropics, had little effect on trusteeship in the Palestine mandate.¹⁰⁵

The overarching attitude of the Colonial Office towards the finances of Palestine was outlined by an official in December 1921:

Expenditure must be worked out as a whole and be brought down to the lowest possible figure compatible with decent Government. Revenue must be collected to the greatest possible amount, in other words, the country must be taxed to the hilt and if there is anything left over beyond essential expenditure it must be decided on general

¹⁰¹ Martin Bunton, 'Inventing the Status Quo: Ottoman Land-Law during the Palestine Mandate, 1917-36', *The International History Review*, Vol. 21, No. 1, (March 1999), pp.31-2.

¹⁰² Bunton, *Colonial Land Policies in Palestine*, p25. See also Sarah Graham-Brown, 'The Political Economy of the Jabal Nablus, 1920-48', in Roger Owen (ed.), *Studies in the Economic and Social History of Palestine*, (London, Macmillan, 1982), pp.92-4.

¹⁰³ Robinson, *The Dilemmas of Trusteeship*, p.26.

¹⁰⁴ Barbara Smith, *The Roots of Separatism in Palestine: British Economy Policy, 1920-29*, (London, I.B. Tauris, 1993), pp.34-6.

¹⁰⁵ See Michael Havinden and David Meredith, *Colonialism and Development: Britain and Its Tropical Colonies, 1850-1960*, (London, Routledge 1993), pp.160-187.

principles whether the burden of taxation is to be lightened, or expenditure which is not essential, but which is desirable, should be incurred.¹⁰⁶

The general inclination of colonial administration was towards the reduction of expenditure, rather than ambitious development projects. Taxation was set as high as was possible without unduly agitating the local population, but the priority of maintaining public security meant that an increasing proportion of that revenue was devoted to law and order.¹⁰⁷ The mandatory administration was under continuous pressure from the government in London to reduce the British taxpayer's liability in Palestine, as the exchequer covered the costs of maintaining a garrison there. This pressure formed a major theme in the development of security forces to uphold law and order. Chapter Six examines how the dual imperatives of retrenchment and the creation of local, self-sufficient forces to maintain public order under ideas of trusteeship shaped the evolution of Palestine's security forces. The increasing cost of policing Palestine, as responsibility for public order was handed over to local units and communal tensions intensified, ultimately came at the expense of other aspects of development and took priority over other aspects of mandatory policy, such as education and health.

These constraints were not only detrimental to the goals of trusteeship. They also hindered the aims and aspirations of the Palestinian Arabs because of the way in which the mandatory administration exercised its power in Palestine. Under a communal paradigm, Britain dealt with Muslims and Christians through forms of direct rule although Christians, who made up a small minority of the Arab population, were less dependent on the mandatory administration because of their affiliation to various churches and foreign powers. The *yishuv*, as the Jewish community in Palestine was known, was subject to a novel form of indirect rule. Through institutions like the World Zionist Organisation, the Palestine Zionist Executive, and, later, the Jewish Agency, the *yishuv* was given significant autonomy to pursue the aims of the Zionist movement. The different approaches to each community were fundamentally rooted in cultural preconceptions, but, as will be demonstrated throughout this thesis, these direct and indirect methods of rule had significant ramifications for the development of national bodies that could harness state power.

By the end of the mandate, the *yishuv* had developed a government bureaucracy, representative institutions, and the core of a modern, European-style regular army – as Rashid Khalidi suggested, the autonomy granted to the Zionist movement allowed it to establish a

¹⁰⁶ Quoted in Bunton, *Colonial Land Policies in Palestine*, p.25.

¹⁰⁷ Ibid.

'para-state' in Palestine.¹⁰⁸ The result of trying to insulate Arab society from the changes that were happening under mandatory rule in a bid to preserve social stability was that the Palestinian Arabs were less able to adapt to or match the development of the Jewish national home. The British inclination for retrenchment also produced uneven effects. The *yishuv* clearly benefited from the mandatory administration's spending, but it also had its own local and international bodies that could generate finance for the development of public services and state institutions. This meant that British parsimony was felt more acutely by the impoverished Arab community, who had no external sources of revenue. For the Palestinian Arabs, the constraints on trusteeship and the impact of a direct form of colonial rule prevented the establishment of unified national bodies, which was demonstrated to disastrous effect during the first Arab-Israeli war of 1948.

¹⁰⁸ Khalidi, *The Iron Cage*, p.37.

Self-Government

The establishment of a civil government for Palestine in July 1920 signalled a departure from the underlying principle of maintaining the status quo that had guided the military administration. This allowed Britain to begin building an effective government and bureaucracy that could both discharge its obligations as mandatory power and safeguard imperial interests. The evolution of this system drew on experiences from across the empire which, in a fundamental manner, were built on an inherent belief in the enabling capacity of British rule that had been developed through long imperial and colonial traditions that incorporated self-styled 'universal' values, such as liberalism, rationalism, and utilitarianism, and applied them to the colonial context. In that context, which was shaped by Orientalism, they were instrumental in forming the official view that 'good' government was predicated on the creation of satisfactory conditions for economic productivity, the firm maintenance of law and order, and the development of 'basic' public services.¹ The promotion of these objectives formed a fundamental part of trusteeship. They constituted an administrative standard from which the Palestine government could look to build participation in self-government.

A commitment to advance self-government was a core aspect of trusteeship and was reflected in the mandate document. Article Two called for Britain to place the country under such 'political, administrative and, economic conditions as will secure... the development of self-governing institutions', whilst Article Three stated that 'the Mandatory shall, so far as circumstances permit, encourage local autonomy'.² These specific obligations, however, were weighed up against the general requirement to safeguard the interests of the local population as a trustee; initiatives to delegate authority had to be framed so that they could not threaten the maintenance of 'good' government. Moreover, as there were no specific criteria against which to judge the development of self-government, mandatory powers were given sufficient latitude to protect their own interests. Any moves towards effective self-government would therefore only be made within a framework that also accommodated wider imperial interests,

¹ Ylana Miller, *Government and Society in Rural Palestine, 1920-48*, (Austin, University of Texas Press, 1985), p.31.

² A full copy of the Mandate can be found in 'Palestine. Royal Commission Report', July 1937, Cmd. 5479, (London, HMSO, 1937), pp.34-7 and pp.398-401.

or at the very least were not in a position to challenge them. In Palestine, this typically meant acceptance of the mandate as a precondition for any measure of constitutional engagement, which, as Rashid Khalidi has suggested, constituted an 'iron cage' from which the Palestinian Arab national movement could not escape.³

The primary aim of this chapter is to trace the development of self-government under the mandate by exploring how trusteeship and the imperatives of colonial rule, which at times held a dissonant and oppositional relationship, informed British thinking on the subject. The balance between these two features is often overlooked in favour of a focus on Arab-Jewish tensions, which are frequently highlighted as responsible for Britain's general failure to develop any form of national or representative self-government that included both communities. However, significant debates and developments took place at the national and local level that have yet to be explored in a wider context of self-government. In order to give sufficient weight to these, this chapter will be divided into four sections: firstly, the initial attempt at 'high' level constitutional development under Sir Herbert Samuel, Palestine's first high commissioner, between 1920-3 will be examined; secondly, the focus will shift to local forms of autonomy during the 1920s by examining district administration and local councils; the third section will maintain the local perspective by exploring the development of communal institutions; and finally, this chapter will examine the concerted approach to self-government attempted by Palestine's fourth high commissioner, Sir Arthur Wauchope, during the 1930s.

An underlying theme in the development of structures for colonial governance is collaboration. The question of self-government was not only considered through the imperatives of trusteeship, and the use of limited forms of self-government was an important method of building and sustaining collaboration. In many post-colonial contexts, addressing the issue is controversial and difficult, but it remains the case that the foundations of the colonial state ultimately relied not only on its strength of arms, which it tended to use only in an emergency, but on the degree of co-operation it could elicit from members of the local population. For the *yishuv*, initial co-operation with Britain posed little problem and was encouraged as the primary method of advancing Zionist interests, although as the mandate progressed and with the White Paper of 1939 that curtailed Jewish immigration, Britain came to be seen as hindering those interests. For the Palestinian Arabs, the subject is especially

³ Khalidi, *The Iron Cage*, pp.31-64.

poignant as the collaboration of elite 'notables' with the mandatory power impeded attempts at building national or state institutions that could resist colonial control and Zionist settlement.⁴ The dilemmas of co-operating with the mandatory power were readily apparent whilst Britain promoted the development of the Jewish national home, yet a key priority for the administration was to build ties of collaboration and bring opponents into the power structures of the colonial state to mitigate potential hostility and secure a form of legitimacy for it.⁵ To do this, Britain applied tried and tested strategies of divide and rule to sustain, and even create, rivalries amongst local factions of Arab notables, and develop communal institutions, based on religion, to fracture national unity. In this context, establishing limited forms of self-government was held to be a valuable strategy that could constrain political tensions and maintain order, which typically meant that efforts at promoting self-government were usually at their strongest following an occurrence of disorder.

It would, however, be disingenuous to see the establishment of self-government as a simple mechanism for forging collaboration with the local population. Indeed, such a stance would have undermined its justificatory value for British officials. Norman Bentwich, for example, who served as attorney-general from 1918 to 1931, explained that the mandatory administration exercised a 'benevolent autocracy' over Palestine.⁶ This is not only illustrative of Bentwich's belief that the British authorities could exercise authoritarian powers in a 'benevolent' fashion, but also indicates the paternal role that colonial officials envisaged for themselves under the mandate. It is here that trusteeship becomes especially prominent with the understanding that participation and guidance in British methods of administration could provide valuable 'experience' for the Arab population. This notion connected to the representations provided by Orientalism, which suggested that the Arab 'mind' was unsuited to positions of responsibility or the exercise of self-government and would require substantial British guidance before it was in a position to do so.⁷ Such ideas could block constitutional development that might undermine British imperial interests in Palestine, but their pervasiveness as a justification for a direct form of colonial rule should not be underestimated. Sir Stewart Symes, who served as a district commissioner and chief secretary between 1920 and 1928, epitomised the rationale behind this belief when he explained in his memoir that the 'Arabs often and obviously *couldn't*, the Jews for the most part wanted to,

⁴ Khalidi, *The Iron Cage*, pp.48-64.

⁵ Miller, *Government and Society in Rural Palestine*, p.47.

⁶ Norman Bentwich, *England in Palestine*, (London, Kegan Paul, Trench, Trubner & Co., 1932), p.239.

⁷ Said, *Orientalism*, pp.34-9.

could, and *did*, manage their own affairs satisfactorily'.⁸ This essential idea formed the major context for the British approach towards developing self-government in Palestine.

Sir Herbert Samuel and the Search for a Constitution, 1920-23

During his inaugural speech as high commissioner on 7 July 1920, Sir Herbert Samuel delivered a message from King George V that emphasised the 'absolute impartiality with which the duties of the mandatory Power will be carried out'. Samuel elaborated on this message by explaining the 'sound principles of government' that served as 'the foundation of the greatness of the British Empire': freedom and equality of religion and justice; the maintenance of order 'with a firm hand'; the suppression of corruption; an equitable taxation system; and economic development to increase the prosperity of the population.⁹ These values served as general guidelines to direct the administration of Palestine. However, this list is also significant for its omissions and there was no reference to self-government amongst these 'sound principles of government'. In Samuel's view, the commitment to self-government under trusteeship could be detached from general tenets of colonial governance; the promotion of 'good' administration did not always signify the decentralisation of power. For the high commissioner, a belief in these 'sound principles' created a platform for development and would enable conditions in which self-government could, eventually, be advanced.

Despite an overarching tendency to centralise power in British hands, a significant amount of latitude was given to the Zionist Commission, which came to serve a distinct role under the mandate as the official 'Jewish Agency' (to which it was renamed when it expanded in 1929). Headed by the Zionist diplomat *par excellence*, Chaim Weizmann, it arrived in Palestine in early 1918 to form a vital link between the British authorities and the *yishuv*, and to lay the foundations for the national home.¹⁰ The omission was a sign of the influence of Zionism amongst British politicians in London, as the mandate had not yet been granted and the commission faced opposition from the military administration that was committed to maintaining the status quo.¹¹ The commission was endorsed on the grounds that it would serve only as an advisory body, although this disappointed the Zionist movement, which had hoped for a measure of executive power, particularly the appointment of a Jewish

⁸ G.S. Symes, *Tour of Duty*, (London, Collins, 1946), p.44 (emphasis in original).

⁹ Sir Herbert Samuel to Earl Curzon, 12 July 1920, FO 406/44.

¹⁰ William Ormsby-Gore to Sir Mark Sykes, 12 April 1918, ISA 2/0/1/61.

¹¹ Major-General Sir Louis Bols to the Chaim Weizmann, 19 May 1920, ISA 2/0/1/71.

nasi of Jerusalem.¹² However, as Tom Segev has noted, this did not stop the commission from quickly evolving into a quasi-government for the Zionist movement in Palestine.¹³

The lack of a comparable institution was a natural complaint for Arab leaders and the impact of the Zionist Commission was an underlying cause in the outbreak of the May Day riots in 1921. The proximate trigger of this 'disturbance' was a series of Jewish demonstrations in Jaffa, but the situation quickly escalated into general attacks on Jews in the town by Arabs. That unrest intensified into riots that swept across Palestine for several days and culminated on 7 May in a large-scale Arab raid on the Jewish agricultural colony of Khedera that was only dispersed after British air power had been deployed.¹⁴ Official estimates concluded that 95 people were killed – 48 Arabs and 47 Jews – and 219 wounded, of whom 73 were Arabs and 146 Jews, making it the most serious outbreak of disorder since the beginning of the British occupation.¹⁵ The consequences of the Jaffa riots will be addressed in more detail during the next chapter, but it is important to note here that some of the major grievances held by the Arab population were the presence of the Zionist Commission, and, crucially, its position as an official advisory body to the British authorities. The Haycraft Commission, headed by the chief justice of Palestine, Sir Thomas Haycraft, investigated the cause of the disturbances and heard evidence from Arabs who alleged that the Zionist Commission had created distrust among the Arab population by privileging Jewish interests over their own and by turning itself into an '*imperium in imperio*' that carried undue influence with the mandatory administration.¹⁶ Haycraft concluded that without such an atmosphere of general distrust 'the Jaffa outrages would probably not have taken place'.¹⁷

The high commissioner broadly agreed with these conclusions, explaining that the riots had indicated that 'there are deep-seated causes at work, and these are to be found in the political questions that have been disturbing the minds of large sections of the people'.¹⁸ During the violence, political tensions sharpened and racial divisions became accentuated, which considerably enhanced the risk of further outbreaks, or even a general uprising.

¹² This can be translated as either prince or president.

¹³ Segev, *One Palestine, Complete*, pp.64-5.

¹⁴ For a detailed account, see *ibid*, pp.173-201.

¹⁵ 'Reports of the Commission of Inquiry into the Disturbances in May, 1921', Cmd. 1540, (London, HMSO, 1921), pp.22-6; p.60.

¹⁶ *Ibid*, p.51.

¹⁷ *Ibid*, p.55.

¹⁸ Samuel to Churchill, 8 May 1921, CO 733/3.

Samuel explained that 'before the Jaffa disturbances the masses could be regarded as little likely to be responsive to the call of the agitator, but the events that then took place make it impossible to feel any such assurance now'.¹⁹ The violence dispelled Samuel's hopes for the peaceful establishment of the Jewish national home. Racial divisions introduced an unstable element into questions of agitation and connected to Orientalist images of a subject population that was usually docile in the face of firmly exercised colonial authority but volatile and unpredictable when it came to racial or religious issues.

The Jaffa riots emphasised the need to maintain links with Arab notables. During the rioting, district governors had been able to use their 'personal influence' with Arab leaders and compel them to calm tensions among their communities, which had been instrumental in limiting the scope of the violence.²⁰ The disturbances highlighted the importance of strengthening those links, and the riots served as a catalyst for the first major attempt at constitutional development under British rule. Samuel's aim was to arrive at an 'understanding' with the opponents of Zionism, even at the cost of 'considerable sacrifices' because the only alternative was an overt policy of force and coercion, which he regarded as wrong in principle and unlikely to prove successful in practice, as it would continually erode the platform for relations between the mandatory administration and Arab notables.²¹ Samuel's response was to re-examine two key issues: Jewish immigration, which will be examined in the next chapter, and representative institutions. He wrote to Churchill, who was then colonial secretary, suggesting that it would be desirable for the 'very early establishment of representative institutions' by developing the nominated advisory council into an elected body.²² In this context, the use of the words 'very early' demonstrate the importance of such institutions as a basis for collaboration, but also recognition that the Arab population was not yet ready for the establishment of such an institution, however constituted, and that it was being proposed out of necessity. In proposing such a conciliatory measure, Samuel came up against reticence in the Colonial Office: it was minuted that 'to make such a concession under pressure is to rob it of half its value. We must firmly maintain law and order and make concessions on their merits and not under duress'.²³ For them, the question of concessions was linked to the image of British prestige.

¹⁹ Samuel to Churchill, 13 June 1921, CO 733/3.

²⁰ Samuel to Churchill, 8 May 1921, CO 733/3.

²¹ Samuel to Churchill, 18 June 1921, CO 733/3.

²² Samuel to Churchill, 8 May 1921, CO 733/3.

²³ Minute by Sir John Shuckburgh, 20 May 1921, CO 733/3.

In the end, Samuel's insistence on the need to satisfy public opinion proved stronger than Colonial Office opposition and during his speech on the king's birthday in June 1921 he informed an assembly of Arab notables that 'the question of ensuring a free and authoritative expression of popular opinion' was being considered by the British government in London. At the same time, he also rewarded Arab notables for their actions during the riots, including a CBE to Ragheb Bey El-Nashashibi, the mayor of Jerusalem, and OBEs for Hajj Abdel Rahman Ismail Ibrahim, mayor of Tulkarm, and Asim Bey Said, mayor of Jaffa.²⁴ These honours have to be seen in a context of collaboration, where symbols of British honour were used to bolster the standing of local elites and strengthen their bonds to the colonial state. On instructions from the Colonial Office to avoid using the words 'elected' or 'representative', the high commissioner's statement was suitably vague and non-committal in order to give colonial officials in London sufficient latitude to protect British interests in any scheme proposed.²⁵ Following the riots, a delegation from the Arab Executive was sent to London to lobby the British government against the establishment of the Jewish national home.²⁶ As the chief organ of the Arab national movement, the Executive was elected from the Palestinian Arab Congress which, like the Muslim-Christian Associations that had sprung up in major towns, attempted to present a unified opposition to the British tendency to divide the Arab population on communal grounds.²⁷ That tendency was deeply rooted in colonial practices and when the delegation arrived in London the Colonial Office refused to recognise it. Instead, it entered into unofficial talks based on a continuing commitment to the Balfour Declaration, but with a willingness to establish some form of representative assembly with limited powers along the lines of legislative councils established elsewhere in the empire.²⁸

The mandatory administration hoped, at this point, to secure Arab approval for the proposed Palestine constitution. This meant that the question of a legislative council became tied to acceptance of the constitution, but the delegation in London repeatedly pressed for the immediate establishment of a national, representative government based, *inter alia*, on the McMahon-Hussein correspondence and the Anglo-French Declaration of November 1918.²⁹

²⁴ Samuel to Churchill, 6 June 1921, CO 733/3.

²⁵ Churchill to Samuel, 25 May 1921, CO 733/3.

²⁶ There are a variety of accounts on the diplomacy between the Colonial Office and the Arab delegation. See, for examples, Y. Porath, *The Emergence of the Palestinian Arab National Movement, 1918-29*, (London, Frank Cass, 1974), pp.137-47; or Wasserstein, *The British in Palestine*, pp.113-9.

²⁷ Khalidi, *The Iron Cage*, p.42; p.55.

²⁸ Colonial Office Minutes, 12-13 August 1921, CO 733/14.

²⁹ See, for examples, 'A Brief Statement of the Demands of the Arab People of Palestine', 12 August 1921, CO 733/14; Palestine Arab Delegation to Churchill, 21 February 1922, CO 733/36. The McMahon-Hussein correspondence promised a form of Arab independence in return for the Sharif of Mecca revolting against the

This was reflective of the legalistic approach that Arab notables adopted in their dealings with Britain, which characterised 'a plaintive, almost piteous' stance predicated on the assumption that Britain would eventually come to its senses about the promises it made of Arab independence.³⁰ The Colonial Office put forward a variety of proposals for an elected assembly in Palestine. Crucially, however, they were based on colonial models that included sufficient safeguards to maintain British power under the mandate. The proposals, which included a fully representative assembly that held only advisory powers or a legislative assembly that was controlled by a majority of non-elected, official members, fell far short of the Arab delegation's demands and were quickly rejected.³¹

Despite this setback a draft constitution for Palestine was submitted by the attorney-general in August 1921. The desire to gain some form of constitutional agreement was symptomatic of the British preoccupation to govern by consent and reflected the liberalism present in the British philosophy of rule. The draft formalised the executive powers of the high commissioner, but also set out plans for the transfer of some of his legislative powers to an elected council. This was to consist of 22 members, as well as the high commissioner, with 10 nominated official members and 12 elected unofficial members. The high commissioner would hold powers to prorogue or dissolve the council and the constitution forbade any ordinance to be passed that was 'in any way repugnant to or inconsistent with the provisions of the Mandate'.³² In addition to these constitutional safeguards, the elections would be carried out in such a way as to produce at least two Christian and two Jewish unofficial members so that the official bloc and the Jewish members of the council, who it was assumed would vote with the government, would always form a majority.³³ Effectively, this meant that the key subjects that Arab notables wanted powers over, particularly Jewish immigration, would be out of reach. These safeguards indicate that the Colonial Office and Palestine government did not envisage the legislative council as a body primarily for the development of self-government. Instead, it was a conciliatory gesture made to placate opposition to British rule and strengthen the hand of collaborators.

Ottoman empire. The Anglo-French Declaration sought to allay Arab concerns that Britain and France would renege on their wartime promises by stating that local governments would be chosen by the local people and not imposed by the victorious powers.

³⁰ Khalidi, *The Iron Cage*, pp.47-8.

³¹ Churchill to Samuel, 16 August 1921, CO 733/14; Palestine Arab Delegation to Churchill, 1 September 1921, CO 733/16.

³² 'Palestine Order-in-Council, 1922', 10 August 1922, CO 733/265/1.

³³ Wasserstein, *The British in Palestine*, p.118.

The Arab delegation rejected the proposed constitution out of hand. Their main reasons were the inclusion of the Balfour Declaration and the power that the high commissioner would be able to exercise over the legislative council.³⁴ This rejection formed the background for the Arab boycott of all constitutional initiatives in 1923. Samuel pressed the Colonial Office to make a public announcement on policy to allay Arab fears and clarify British intentions towards Palestine. In May 1922, the high commissioner arrived in London to help draft a white paper, which signalled the government's resolution to press on without having reached any form of accommodation with the delegation and get the mandate approved by the League of Nations. After the publication of the Churchill White Paper in June, this was finally done on 24 July 1922.³⁵

The Churchill White Paper stated that it was the intention of Britain to 'foster the establishment of a full measure of self-government in Palestine' but qualified this by suggesting that it must be achieved 'by gradual stages and not suddenly'.³⁶ This can be seen as an expression of trusteeship, but it does require some elaboration. The statement was underpinned by the Orientalist conviction that the Arabs of Palestine were not ready for self-government and this was demonstrated by the emphasis on the 'gradual' nature required of such a process.³⁷ In this context, the incremental achievement of self-government, despite Arab calls for a representative parliament, was justified through trusteeship as being in the best interest of the population of Palestine. This concern was grounded in the emphasis placed on the maintenance of law and order and on the efficiency of administration; so, whilst the mandate obligated the development of self-government, trusteeship also imposed on British officials a duty to ensure that a 'minimum' standard of governance was upheld by the mandatory administration. Given the negative cultural preconceptions surrounding Arab capacity for self-rule, it is not surprising that tension existed between these strands of thought. For Britain, the collaborative element involved in the grant of a limited form of self-government was key: it would draw elements of the native population into the colonial state, provide legitimacy, and help to maintain law and order by providing a constitutional outlet for moderate opposition.

³⁴ Porath, *The Emergence of the Palestinian Arab National Movement*, pp.143-4.

³⁵ Sahar Huneidi, *A Broken Trust: Herbert Samuel, Zionism and the Palestinians*, (London, Tauris, 2001), pp.156-62.

³⁶ 'Palestine. Correspondence with the Palestine Arab Delegation and the Zionist Organisation', June 1922, Cmd. 1700, (London, HMSO, 1922), p.20.

³⁷ This, of course, can be contrasted with the British mandate for Iraq, where nominal independence was considered from 1922/23 under indirect British rule to facilitate imperial interests. See D.K. Fieldhouse, *Western Imperialism in the Middle East, 1914-58*, (Oxford, Oxford University Press, 2009), pp.80-97.

Following the confirmation of the mandate, the Palestine constitution was eventually enacted as an order-in-council on 10 August 1922. It was formally accepted by the Zionist movement with informal reservations, but was rejected in full by the fifth Palestine Arab Congress that same month.³⁸ The Arab Executive had organised strikes whilst the mandate was being ratified in Geneva to demonstrate opposition to the re-affirmation of the Balfour Declaration. Within the executive, further civil disobedience was mooted but most members were opposed to action that would lead to rioting and further conflicts with the mandatory administration.³⁹ Their main dilemma was that in accepting a legislative council that had some elements of representative self-government, they would legitimate the mandate and the Jewish national home. It has been suggested that if the mandatory government had made further concessions at this time – such as stating that participation did not necessarily mean acceptance of the Balfour Declaration – then divisions within the Arab Executive may have led some of its members to accept the legislative council.⁴⁰ However, by the time the high commissioner issued a proclamation to direct the elections in February 1923, the Arab Executive had decided on an outright boycott to demonstrate its opposition to the mandate.⁴¹

Samuel reported that the boycott combined with a general feeling of apathy amongst the electorate that voting would be manipulated by Arab notables to maintain their own interests and that a restricted legislative council would not improve on the current state of administration. At the final count, the proportion of votes cast to voters registered was 18 per cent of Arabs, 5.5 per cent of Christians, and 50 per cent of Jews, and only 213 secondary electors out of a projected 809 were elected, which led to the result being declared void.⁴² The boycott reinforced the view that Arabs were not ready to exercise elective or representative power within the mandatory state.⁴³ However, Samuel still sought to establish some sort of national foundation for collaborative politics and set about re-establishing a nominated advisory council, on the same lines as the legislative council, i.e. eight Arabs, two Christians, and two Jews, with 10 official members and the high commissioner.⁴⁴ The Arab Executive saw this move as a trap and extended their boycott campaign by placing pressure

³⁸ Wasserstein, *The British in Palestine*, p.122.

³⁹ Porath, *The Emergence of the Palestinian Arab National Movement*, pp.147-8.

⁴⁰ *Ibid*, p.150.

⁴¹ 'Palestine. Papers relating to the Elections for the Palestine Legislative Council, 1923', June 1923, Cmd. 1889, (London, HMSO, 1923), p.2.

⁴² *Ibid*, pp.7-9.

⁴³ *Ibid*, p.10.

⁴⁴ The original council had been dissolved to make way for the legislative council in August 1922.

on the nominated members to withdraw from the scheme. During the summer of 1923, seven of the ten Arab nominees pulled out.

The election of a Conservative government in late 1922 caused fresh scrutiny to be directed towards British policy for Palestine.⁴⁵ The new colonial secretary, the Duke of Devonshire, chaired a cabinet sub-committee on the topic, but the dominant figure on it was Lord Curzon who, as foreign secretary, held sceptical views about British support for Zionism in Palestine.⁴⁶ The report of the committee was drafted by Curzon and concluded that Britain could not renege on its commitment to Zionism without a significant loss of imperial prestige, which was a sacrifice that could not be risked. Curzon recommended that an organisation should be created to mirror the special position accorded to a Jewish agency under Article Four of the mandate, which had continued as a general source of Arab complaint.⁴⁷ The proposals for an Arab Agency outlined the establishment of a publicly recognised body to advise the mandatory administration on economic and social matters affecting the 'non-Jewish' population and, subject to the control of the administration, 'of assisting and taking part in the development of the country'.⁴⁸

The idea was to place both communities on an equal footing, but it is particularly revealing that the Arab Agency was to be nominated by the high commissioner, whilst the Jewish Agency was not.⁴⁹ It could be regarded as a positive step forward for the Arab community, but it is likely that such advice would have been sought in the nominated advisory council anyway and the proposed agency would have possessed none of the powers of the legislative council, meaning that overall it was probably the least satisfactory of all options to the Palestinian Arab national movement. The scheme was immediately rejected by the assembly of Arab notables that the high commissioner had gathered to announce the proposal. Samuel was informed that the offer of an Arab Agency would not fulfil the aspirations of the Arab people in their own land, and that, as they did not recognise the status of the Jewish Agency, there was no desire for an Arab equivalent, which would effectively

⁴⁵ See Sahar Huneidi, 'Was Balfour Policy Reversible? The Colonial Office and Palestine, 1921-23', *Journal of Palestine Studies*, Vol. 27, No. 2, (Winter 1998), pp.23-41 and Michael J. Cohen, 'Was the Balfour Declaration at Risk in 1923? Zionism and British Imperialism', *Journal of Israeli History*, Vol. 29, No. 1, (2010), pp.79-98.

⁴⁶ See David Gilmour, 'The Unregarded Prophet: Lord Curzon and the Palestine Question', *Journal of Palestine Studies*, Vol. 25, No. 3, (Spring 1996), pp.60-8.

⁴⁷ Wasserstein, *The British in Palestine*, p.128.

⁴⁸ 'Palestine. Proposed Formation of an Arab Agency', November 1923, Cmd. 1989, (London, HMSO, 1923), p.5.

⁴⁹ Huneidi, *A Broken Trust*, p.183.

represent the Arabs as a minority in their own land.⁵⁰ After three failed attempts at reaching a constitutional agreement, officials in London decided that continuing with such gestures would be futile. The 1922 order-in-council was then amended, with the effect that executive and legislative powers became concentrated in the high commissioner's office for the duration of the mandate.

Local Autonomy Part 1: District Administration and Local Councils

The rejection of the Arab Agency marked the final attempt at substantial constitutional development for over a decade. A popular view has been that the failure to bring Jewish and Arab communities together in 1923 under the banner of a legislative council established the pattern through which the history of the mandate would be repeated. In his synthesis of the historiography, D.K. Fieldhouse has even gone as far to suggest that 'in retrospect, it is obvious that 1923 marked the final failure of the Palestine mandate'.⁵¹ Developments at the local level have received relatively little treatment in the overall context of self-government, and have been obscured by the attention devoted to the debates and policymaking process that failed to achieve success at a 'high' level. Yet, ultimately, it is difficult to gain a full understanding of British thinking about self-government without consideration of both levels. In offering an analysis of the evolution of local administration, this section is aimed at showing that the failure of the legislative council was not necessarily a watershed moment and that local initiatives had an important impact on the nature of Palestinian structures and institutions.

After the collapse of constitutional proposals in 1923, the British focus shifted towards cultivating structures of local responsibility in an effort to increase self-government whilst avoiding wider political questions that had reached a clear impasse. The growth of local autonomy was encouraged in Article Three of the mandate 'so far as circumstances permit', but it can also be seen as a more natural expression of trusteeship than the early attempt at creating a legislative council as it was regarded as a more realistic method of increasing Arab experience in administrative matters.⁵² This view was expressed by Lord Plumer, Palestine's second high commissioner, when he informed the Colonial Office that 'it would be prejudicial to the interests of the people of Palestine as a whole to introduce any

⁵⁰ 'Palestine. Proposed Formation of an Arab Agency', p.10.

⁵¹ Fieldhouse, *Western Imperialism in the Middle East*, p.199.

⁵² Memo by G.S. Symes on Popular Representation and Constitutional Development, 1 July 1925, CO 733/167/6.

form of Representative Government at the present time or for some little time to come'.⁵³ In speaking for the interests of the people, the high commissioner not only demonstrated recourse to the guiding ethos of trusteeship, but also provided an example of the hegemonic position of the colonial state that allowed him to define the interests of the local population.

In August 1926, Plumer gave an important demonstration of his thinking about local autonomy. He described it as one of the main 'stepping stones' towards 'responsible' participation in fuller self-government, but he also suggested that education in local administration was not the only pre-cursor for wider self-government: public security, financial stability, and steady economic growth would also need to be in place before he could envisage re-opening the question of a legislative council.⁵⁴ He believed the growth of local government would be valuable in 'educating' the population in the 'the duties and responsibilities of Administration':

I am confident that it is following on these lines that some form of elected Central Government can in the future be best established; but only after experience has been gained in the practical management of public affairs by local representatives of the people, and when the people themselves have learnt discrimination in selecting the men to whom they can entrust those affairs with confidence.⁵⁵

In terms of trusteeship, the aim of this strategy was an increase in self-governance, but it was constrained by the assumption that Arabs possessed little capacity for running their own affairs and also needed to 'learn' the responsibilities of being an electorate. Trusteeship imposed a duty to improve this situation, but it also obliged colonial officials to deliver 'good' administration for Palestine. Focusing on the local level was an effective way of combining these often conflicting obligations, although the overriding tendency was to ensure that real power was retained in British hands through supervisory influence. The approach taken to local self-government was, however, fragmented and was not subject to any form of timetable.

The focus on local forms of autonomy was ultimately made possible by the willingness of the Arab leadership to participate in such structures despite their general opposition to the mandate. The boycott in 1923 was not followed up by a common policy of non-cooperation with the colonial power. Yehoshua Porath has suggested that 'the Palestinians' mistake was to believe that participation in the legislative council meant

⁵³ Plumer to Amery, 17 July 1928, CO 733/155/8.

⁵⁴ Plumer to Amery, 24 August 1926, CO 733/116.

⁵⁵ Ibid.

acquiescence to the mandate and the Balfour Declaration, while everyday co-operation with the Government and acceptance of jobs in it were considered axiomatically permissible'.⁵⁶ Whether Arab notables were motivated by self-interest or a belief that opposition to the mandate could only be legitimately voiced from within the framework of the colonial state, it did not change the fact that a key British concern was to engage opponents of the mandate within its machinery to mitigate resistance and that these links were purposefully cultivated through the district administrations and local and municipal councils. These positions offered prestige and limited amounts of power, but ultimately served to hinder the development of Arab national institutions that could operate independently of the colonial state.⁵⁷ The willingness of the Arab elite to engage with the mandatory at this level ensured the continued absence of constitutional proposals under Lord Plumer's tenure, as he sought to reinforce progress made in the local sphere of governance.⁵⁸

The administrative efficiency of the mandatory government was dependent on the relationship that it could sustain with the local population. Through the district administrations, it was possible to have a visible 'native' presence in the routine functions of government that conferred legitimacy upon it. Such interactions were based on an amalgamation of Ottoman inheritance and British colonial precedence. There were several distinct links in the district hierarchy: the district commissioner (or governor), a British innovation; the district officer, who occupied the Ottoman position of *qaimakam* but with reduced powers; and the *mukhtar*, or village headman. In utilising existing patterns of government to expedite colonial rule, it is possible to detect residual influences of indirect rule. The territorial organisation of the districts was entirely novel as mandatory Palestine had not previously existed as a separate administrative entity within the Ottoman empire and had been divided between the *vilayet* of Beirut and the independent *sanjaq* of Jerusalem, despite a nascent sense of 'Palestinian' identity.⁵⁹ Under the civil administration, the broad pattern was to divide Palestine into three districts: a Northern district, based on Haifa; a Southern district, centred in Jaffa; and an enlarged district of Jerusalem.

The functions of the district commissioner, district governor, and *mukhtar* are particularly important for understanding the shape of local self-government. The district

⁵⁶ Porath, *The Emergence of the Palestinian Arab National Movement*, p.157.

⁵⁷ Khalidi, *The Iron Cage*, p.58.

⁵⁸ Plumer to Amery, 19 February 1926, CO 733/112.

⁵⁹ See Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness*, (New York, Columbia University Press, 2010), pp.9-34.

commissioner held four main responsibilities: maintain order, collect taxes, supervise municipal and local councils, and represent local interests to central government.⁶⁰ According to Bentwich, these general tasks were unified by a general duty 'to exercise the paternal functions of government'; he explained that

The District Commissioner and his staff play the part of the intermediary between the agents of progress and efficiency [the central government departments] and the townspeople and the villagers, of whom the Arab part cling to their customs and traditions, and the Jews clamour for the most advanced social reforms.⁶¹

This statement highlights how a district commissioner had to balance conflicting priorities within the overall framework of trusteeship, but it also demonstrates Orientalist thinking that the Arabs represented a 'backward' people who could benefit from the presence of a socially advanced and European derived Jewish settler community, which was one of the main assumptions of trusteeship and support for Zionism.⁶²

The principal function of the district and assistant district officer was to collect taxes through supervising the village *mukhtars*, but they were also important as the visible presence of the mandatory administration in rural areas and were required to go touring, improve village sanitation, and act as a magistrate to arbitrate disputes in Arab villages. The Arab proclivity for 'feuding' formed a particularly visible trope of Orientalist discourse. The issue of magisterial powers revealed the asymmetry between a British and non-British officer holding the same position. A British officer was typically granted a class A warrant, which enabled him to deal with much more serious cases than a non-British officer, who could expect only a class C warrant.⁶³ In urban areas the district officer was directed to use his 'personal influence' with the mayor and councillors to exercise 'a useful supervision over their affairs', which demonstrated some of the mechanics of collaboration.⁶⁴

The *mukhtars* were a 'native' layer of administration devoid of British representatives. The position was established under Ottoman rule as a consequence of the drive towards more bureaucratic government that took power out of the hands of tribal sheikhs.⁶⁵ As a 'natural vehicle of authority in a simple community', the *mukhtar* was, alongside the district officer, crucial for the success of mandatory rule in areas that lacked

⁶⁰ O'Donnell Commission Report on District Administration, p21-2, CO 733/209/15.

⁶¹ Bentwich, *England in Palestine*, p.241.

⁶² Minute by Young, 13 February 1923, CO 733/42.

⁶³ For a list of magisterial warrants issued, see ISA 2/10/1/13.

⁶⁴ O'Donnell Commission Report, p.23.

⁶⁵ Miller, *Government and Society in Rural Palestine*, pp.54-5.

local or municipal councils.⁶⁶ His main duties revolved around the village: to keep the peace, inform the police of any offences, assist in the collection of taxes, issue certificates of inheritance or property, publish public notices, and register births, marriages, and deaths. As payment for these functions the *mukhtar* was entitled to keep a percentage of the tithe and was able to charge fees for the issue of various certificates, which created a vested interest in the collection of taxes.⁶⁷

One of the main issues for trusteeship and the development of self-government was the dynamic of participation between British and non-British officers and the relative distribution of positions within the hierarchy. A central theme here was an attempt to incorporate more 'native' Palestinians in this hierarchy. After his constitutional plans foundered, Samuel wrote to the Colonial Office to suggest the appointment of officials from influential Muslim families as part of a collaborative strategy 'to establish other points of contact with the people'.⁶⁸ The nature of the military administration meant that the initial positions of responsibility within the districts were held by British army officers. As the military government transitioned to the civil, many of those officers remained in place or moved to different parts of the mandatory administration.⁶⁹ By April 1923, it had been possible to reduce the number of British officials, but Samuel was keen to accelerate this trend:

The further extension of this principle would be an earnest of the intention which I have frequently expressed, both in public and private, to associate Palestinians directly with the administration of their country when this is possible; it would be evidence of the confidence reposed by the Administration in these Officers, and of the desire to educate them in the art of government, with a view gradually to a more complete substitution of British Officers by Palestinians in the local administration.⁷⁰

The link to trusteeship was made through the suggestion of educating Palestinians in the 'art of government', yet the drive for greater inclusiveness was constrained by the need to ensure that standards of administration were maintained. The collaborative context of Samuel's plan was not missed either. In May 1924, for example, Samuel recommended that the mayor of

⁶⁶ Bentwich, *England in Palestine*, p.245.

⁶⁷ Colonial Office Memorandum on 'Mukhtars in Palestine – Duties and Remuneration', 9 January 1935, CO 733/269/2.

⁶⁸ Samuel to Shuckburgh, 12 October 1923, CO 733/50.

⁶⁹ See *The Colonial Office List for 1921*, (London, Waterlow & Sons Ltd, 1921).

⁷⁰ Samuel to Devonshire, 27 April 1923, CO 733/44.

Gaza, who had 'large influence' and had shown himself particularly 'willing to co-operate with the government', be appointed as a district officer.⁷¹

By the end of Sir Herbert Samuel's tenure in 1925, it had been possible to reduce the number of senior British officials in the district administration to 19 (from 29 in 1920).⁷² In 1929, further reductions had been made to just 15 senior British officials.⁷³ However, these numbers alone, which might suggest greater Palestinian participation, do not reveal the polarisation that had taken place between senior and junior officials. The upper echelons of the district administrations remained a British domain with very few Palestinians making it to the rank of district officer. Instead, Palestinians occupied positions that would have brought them into regular contact with their own community but were effectively supervised by British officials. In 1925, when Samuel had informed the Colonial Office of the reduction of British officials to 19, there were only three Palestinians in corresponding roles and, by 1929, this had diminished to one.⁷⁴ Despite a greater number of Palestinians generally involved in district administration, they were confined to lower positions of responsibility and power was centralised in British hands. In 1923, Sir John Shuckburgh, assistant under-secretary of state and head of the Middle East department in the Colonial Office, provided the underlying rationale for this outlook when he minuted that

Strong emphasis is laid in the foregoing minutes on the administrative objections to introducing Palestinian officials into responsible positions. I do not wish in the least to minimise these objections. There is great force in them. They are the kind of objections that have been raised over and over again to proposals for giving natives, in India and elsewhere, a greater share in the administration of their country... They will not do the work so well as British officers, but that cannot be helped. We must put up with it being less well done.⁷⁵

This attitude meant that senior appointments, such as district commissioner, assistant district commissioner, and head of a government department, were only open to experienced members of the British colonial service, in line with the thinking that, whilst Palestinians needed experience in administration, overall control had to be placed in 'safe hands' for the benefit of Palestine.

Alongside the attempt to increase Palestinian participation in district administration was an attempt to increase the stature of municipal and local councils. In 1921, a Local

⁷¹ Samuel to Thomas, 6 May 1924, CO 733/68; Thomas to Samuel, 15 May 1924, CO 733/68.

⁷² Samuel to Amery, April 1925, CO 733/110.

⁷³ See *The Colonial Office List for 1929*, (London, Waterlow & Sons Ltd, 1929).

⁷⁴ See *Civil Service Lists for 1925 and 1929*.

⁷⁵ Minute by Sir John Shuckburgh, 5 October 1923, CO 733/50.

Councils Ordinance was promulgated to establish local bodies and promote rural autonomy. Under the ordinance, the high commissioner was granted powers that allowed him to decree which areas of Palestine would be administered by a local council and specify the powers and functions it would hold. He would also be able to prescribe its composition, which allowed him to decide on the system of representation, the proportion of elected and unelected members, and who the unelected members would be.⁷⁶ The legislation was intentionally latitudinarian so that the regulations governing each council could be tailored to individual circumstances and allow the mandatory administration to create 'institutions appropriate to the primitive and archaic organisation of villages, and to organisations adapted to the most modern conceptions of social unities such as are current in certain Jewish colonies'.⁷⁷ This distinction demonstrated how Orientalist judgments about 'primitive and archaic' Arab villages clashed dramatically with the 'modern conceptions of social unities' that marked the Jewish colonisation of Palestine in the mind of British colonial officials. The difference was significant because, in the minds of those it influenced, it dictated the level of political aspirations they expected each community to hold, which in turn set the pace for the development of self-government.

Despite the varied nature of the communities which these councils were intended to serve, they often held some common functions and powers. The most important was the ability to act as a corporate body which allowed them to levy taxes and raise loans for the development of public services, but such powers were strictly controlled and required the approval of the district commissioner.⁷⁸ The success of each local council was dependent on the extent to which the local population decided to participate. Arab councils were found to be unsuccessful as villagers were reluctant to pay the taxes for public services that were slow to develop.⁷⁹ As an attempt to develop local self-government, the controls exercised by the district administration over the local councils highlighted the underlying tension between ensuring efficient administration and delegating authority to encourage 'education' in administration. The Local Government Commission (which will be examined in more detail in the chapter on education) encapsulated this tension when it suggested in June 1924 that whilst

⁷⁶ Interim Report of the Local Government Commission, 2 June 1924, CO 733/71.

⁷⁷ Memorandum by Eric Mills on 'Municipal Government in Palestine', 16 December 1926, CO 733/134/3, p.11.

⁷⁸ Mills, 'Municipal Government in Palestine', p.12.

⁷⁹ Palestine. Royal Commission Report', p.345.

Any measure of local self-government probably results in a loss of efficiency, all that is essential is that the measure of local self-government conferred should be subject only to such safeguards of financial and technical supervision as will ensure the interests of the persons contributing to such services are protected; but that, with these limitations, local self-government should be conferred in such a way that the Local Government bodies have the substance and not the shadow not only of authority but also of responsibility.⁸⁰

It is clear that the 'technical' and 'financial' supervision exercised did much to undermine the independence of local councils. In 1937, the Peel Commission, which was sent to Palestine to report on the outbreak of the Arab rebellion, remarked that, as local councils were viewed more as an organ of the central British administration than of local self-government, it was not surprising that villagers took little interest in them. The Jewish community had also proved reluctant to participate in them, but this was because most rural areas had already established themselves into self-governing groups with democratic control emanating from a 'general meeting' of the village community. They feared that acquiring local council status would mean their policy and budgets would be subject to government intervention, so they preferred to consolidate their autonomy by using institutions that they were granted under indirect British control.⁸¹

As an institution, municipal councils had existed under Ottoman rule. They ranked above local councils in importance, which meant that more effort was directed towards them as a vehicle for promoting local self-government.⁸² Following the British occupation of Palestine in 1917, two major changes occurred to the position of municipal councils. Firstly, their elected nature was suspended in favour of nomination by the military administration because of the lack of a suitable register of voters. This allowed the mandatory government to re-constitute councils that had fallen into abeyance during the war whilst avoiding the complicated question of elections. The nomination of members to these councils was an important device in the early attempt to build links of collaboration with the Arab elite. The second change was that, after the partition of Arab territories into British and French mandates, the provincial administrative councils that had exercised a supervisory influence over the municipalities were withdrawn. This allowed the military administration to establish its own layer of control over the municipalities through the management of their budgets and the issue of a grant-in-aid for services.⁸³ The grant-in-aid was a particularly useful control

⁸⁰ Interim Report of the Local Government Commission, 2 June 1924, CO 733/71.

⁸¹ Ibid, pp.345-6.

⁸² Samuel to Thomas, 6 June 1924, CO 733/69.

⁸³ Mills, 'Municipal Government in Palestine', pp.9-10.

measure that allowed the mandatory government to insist on the development and maintenance of public services in a municipality. In a report on municipal government, Eric Mills stated that 'the judicious use of the grant-in-aid introduces a very intimate relation between the central and the local authorities and can result in a remarkable combination of local liberty and efficiency never falling below the standard required by central government'.⁸⁴

The two changes were perpetuated by the civil administration and served to undermine the independent scope of local government that these councils had enjoyed under the Ottoman empire. In theory, they were responsible for governing the most important towns in Palestine, for providing public services to their communities, and acting as a 'collective mouthpiece' to the district commissioner. It was acknowledged at an early stage that municipalities should be able to carry out those functions 'as independently as possible', but at the same time the mandatory administration decided it was 'essential that their activities should be carefully correlated with those of the district administration'. As a consequence, district commissioners were made responsible for the work of municipal authorities within their areas.⁸⁵ This constraint reflected the duality of British thinking and meant that several important functions, such as town planning and education, were removed from the remit of the municipalities and moved to central government departments. Bentwich, for example, explained that the 'historical' nature of Palestine's towns required that planning and development be entrusted to 'competent' persons, who he identified as the handful of British officials that liaised with the district administrations.⁸⁶

As with other attempts at developing self-government, British thinking was caught between the impulse to develop local autonomy whilst ensuring that standards of administration were maintained. This called for an explicit recognition of the nature of local self-government that was being contemplated: Mills' report stated that 'properly understood, local autonomy or local self-government in the sense of the Mandate is not identical with complete self-government in local areas within the territory of the autonomous State'.⁸⁷ The existence of the mandate itself was taken as 'an admission that the people themselves are not yet able to guarantee the efficiency and effectiveness of their governmental acts without

⁸⁴ Ibid, p.44.

⁸⁵ 'Annual Report of the Palestine Administration, July 1920 to December 1921', quoted in 'Palestine. Royal Commission Report', p.347.

⁸⁶ Bentwich, *England in Palestine*, p.243.

⁸⁷ Mills, 'Municipal Government in Palestine', p.21.

assistance' from the mandatory power.⁸⁸ Orientalist notions formed the underlying context from which the necessity of British control emanated. A Colonial Office official stated that

On the general question of local government... the truth is that no Eastern country has ever really had an efficient local government, partly because the idea of doing things for themselves is foreign to the Eastern mind, the daily round of routine duties is onerous to the Eastern, and partly because there is no public opinion of any sort to keep the local government up to scratch. Any local government tradition, therefore, which exists is actually bad.⁸⁹

Such ideas were not simply negative and used as a justification for establishing British control, as they also imposed a positive duty on colonial officials to lead the 'Oriental' out of this 'backward' state of affairs. The minute continued:

The fact that ideas of local self-government are foreign to the Eastern mind should not, however, I think, be used as an argument in favour of abandoning such a project. Nothing has greater educative value, and nothing in the long run, helps to the same extent in winning the sympathies of the inhabitants of the country for the central government, as having to struggle with the difficulty of their own local affairs.⁹⁰

The 'difficulty' spoken of here provides more context for British supervisory influence over local administration, demonstrating that, whilst it was imposed against the setting of Arab 'backwardness', it was also seen as in the interests of the population until they had become 'educated' in such matters.

The main step in this 'educative' process was to restore municipal councils to an elected footing. This would help 'instruct' the local population in the responsibilities of being an electorate in preparation for wider participation in national self-government later on. However, as colonial officials also saw the responsibility of being an electorate as a privilege, particularly after the Arab boycott of the legislative council, the process of re-instating elections was a lengthy one. The situation was made even more complex because the municipalities often contained mixed populations and so establishing an acceptable level of representation between the Muslim, Christian, and Jewish communities was problematic, especially because the system of proportional representation was deemed too sophisticated for the Muslims, who were generally regarded as 'illiterate' and 'little trained to the method of self-government'.⁹¹ In 1923, there were brief discussions about holding elections for the municipalities after the legislative council had failed, but the political climate was deemed

⁸⁸ Ibid, p.22.

⁸⁹ Minute by J.B. Sidebotham, 13 May 1925, CO 733/90.

⁹⁰ Ibid.

⁹¹ Keith-Roach to Curzon, 14 February 1921, CO 733/1.

inopportune and likely to result in another boycott.⁹² During these deliberations, the issue of safeguards was raised and it was suggested that if the municipalities were to be restored to an elected basis the district commissioners would need to keep powers that could allow them to maintain a supervisory role over the councils. The chief secretary suggested that the district commissioners should retain powers to approve municipal councils' budget and the ability to nominate the president of the council, which became two of the main preoccupations in British thinking on restoring elected councils.⁹³

With the arrival of Lord Plumer as high commissioner matters began to advance. In March 1926, he submitted an ordinance for a municipal franchise and elections were finally held for 22 municipalities in the autumn of that year. Plumer carried forward the safeguards that had emerged on the subject in 1923, but suggested that the earlier proposal would have led 'too early to the enfranchisement of a number of persons who possess little sense of civic responsibility'.⁹⁴ To restrict the franchise, he raised the taxation threshold and imposed a qualifying element through ownership of property.⁹⁵ This move can be seen in terms of educating a small number of the population to become a 'responsible' electorate, whilst making achievement of the franchise an aspiration for the rest of the population. It can also be seen that restricting the franchise to relatively wealthy persons ensured that elections would not disrupt the social fabric of towns and the links that the mandatory administration had cultivated with their elites.

The election of municipal councils marked a watershed on the road to self-government as divisions within the Arab national movement meant the pressure that had been applied on the mandatory administration by successfully rejecting the constitutional overtures of 1921-3 weakened as the Arab leadership began to compete for positions as councillors and town mayors. Such competition gave the mandatory administration an important mechanism to intervene in local politics and secure its own influence through a system of collaborative patronage.⁹⁶ The use of such powers formed an important part of the strategy to maintain equilibrium between the Husseini and Nashashibi families, who had emerged as the two main contending factions within the Arab elite.⁹⁷ A common theme in the historiography of the mandate has suggested that rivalry between these two factions splintered the Arab national

⁹² Clayton to Devonshire, 26 December 1923, CO 733/52.

⁹³ See 'Draft Law of Municipalities Amendment Ordinance', CO 733/52.

⁹⁴ Plumer to Amery, 24 March 1926, CO 733/113.

⁹⁵ See Municipal Franchise Ordinance, 1 December 1926, CO 733/130/4.

⁹⁶ See Article 19, *Ibid.*

⁹⁷ Wasserstein, *The British in Palestine*, p.170.

movement and hindered it from developing national institutions, which in turn rendered opposition toward Britain and the mandate ineffective, yet the connections between this competition and the divide and rule strategy of the mandatory government are not often made.⁹⁸ The British preoccupation with maintaining a balance between the major families by ensuring a 'fair' distribution of official posts to ensure some semblance of representative opinion can be seen as exacerbating such rivalry.⁹⁹ For example, after Musa Kazem Pasha Husseini had been stripped of the Jerusalem mayoralty after the May Day riots and replaced with Ragheb Bey Nashashibi, it was necessary to balance this by making sure a Husseini remained the *mufti* of Jerusalem.¹⁰⁰ Decisions like this took place across the mandate and prevented the Arab national movement from organising effective political opposition to the British rule.

Local Autonomy Part 2: Communal Institutions

The evolution of communal institutions was, as with district administration and local councils, predicated on the cultural preconceptions of colonial officials but it was underwritten by a far greater degree of collaborative rationale. As elsewhere in the empire, the imperatives of divide and rule facilitated a communal approach to dealing with the subject population. This process was usually derived from existing distinctions within society, but relied on promoting, refining, and even creating new differences. As Khalidi has suggested, 'the net result was often a highly developed and systematised communitarian structure, within which the British could play their favoured role of arbiter, and ideally be seen as above or outside a "local" conflict, rather than as part of it, or even the creator of it, as they were in many cases'.¹⁰¹ The long-developed tradition of divide and rule was based on a perspective that viewed colonised societies in communal rather than national terms, and as fundamentally divided instead of potentially unified, which served to provide a key justification of the need for colonial rule. Another form of control utilised by the colonial state relied on indigenous elites or middle classes to participate in structures of rule to which

⁹⁸ Khalidi, *The Iron Cage*, pp.65-75.

⁹⁹ Zeina Ghandour argues that Britain's colonial presence in Palestine must be taken into consideration when accounting for the ineffectual leadership of the Arab elite. See *A Discourse on Domination in Mandate Palestine*, p.154.

¹⁰⁰ Ibid, p.130.

¹⁰¹ Khalidi, *The Iron Cage*, p.51.

the mandatory authorities could offload the duties it did not wish to carry out whilst conferring limited amounts of power, and prestige, to those who co-operated.¹⁰²

In Palestine, these approaches combined in the development of communal institutions for local autonomy. The extant system that was modified for British purposes was the Ottoman *millet* system, which had been established to prevent European powers from intervening in domestic affairs.¹⁰³ It had been designed to give minority religious groups in the empire, mainly Jews and Christians, powers of local autonomy in return for the payment of certain taxes. Britain adopted the communal basis at the heart of this structure but, crucially, decided that the Muslim community, which hitherto had been the 'ruling' group, held the same status as the Jewish and Christian communities. The essence of this modified communal structure in Palestine required that each group have their own religious institutions. For the Arab community as a whole, the consequence of this approach was the prevention of unified national institutions. This section will focus on the bodies established for the Muslim and Jewish communities because the Christians in Palestine already had an established system whereby different churches were linked to various European or foreign powers, which the mandatory authorities did little to modify.

The Supreme Muslim Council (SMC) emerged as a unique institution in mandated or colonial territories. Uri Kupferschmidt has suggested that this uniqueness stemmed from the political situation in Palestine, yet his account of the council does not explore it in the wider contexts of self-government, collaboration, or colonial rule.¹⁰⁴ The British desire to create a Muslim council was derived from its reluctance as a Christian power to be seen intervening in Islamic affairs.¹⁰⁵ The official approach the mandatory government adopted towards religious affairs was generally one of non-interference, but this did not stop it from structuring the environment in which those interactions took place or intervening to protect its own interests when necessary.¹⁰⁶ The concern for non-intervention in Islamic affairs took on added significance in a territory that contained some of Islam's holiest sites at a time when officials were particularly anxious to avoid provoking religious sensibilities across the empire, particularly in British India.¹⁰⁷ These concerns were made more acute after the

¹⁰² Ibid, pp.51-3.

¹⁰³ Eugene Rogan, *The Arabs: A History*, (London, Penguin, 2011), pp.111-3.

¹⁰⁴ Uri M. Kupferschmidt, *The Supreme Muslim Council: Islam under the British Mandate for Palestine*, (E.J. Brill, Leiden, 1987), p.1.

¹⁰⁵ Samuel to Churchill, 19 February 1922, CO 733/112.

¹⁰⁶ Clayton to Amery, 1 October 1928, CO 733/161/10; and Clayton to Amery, 5 October 1928, CO 733/161/9.

¹⁰⁷ See, for example, Minutes by Lloyd and Harding, 6 and 9 March 1926, CO 733/112.

outbreak of rioting during the Nebi Musa festival in April 1920.¹⁰⁸ Thereafter, the British concern was that the 'raising of the religious cry' was a prelude to an episode of colonial disorder, which was demonstrative of the belief that religious fervour rather than political grievances would incite Muslim Arabs to disorder.

In the initial deliberations over creating the SMC, the mandatory administration was wary of conceding too much power but at the same time it was reluctant to assume the religious functions of the Ottoman state. Those duties included management of the *sharia* court system, appointment of *qadis* (judges), and control of *waqf* endowments. The mandatory administration had wanted to retain final sanction on these issues, but Muslim protests combined with the principle of non-interference and the aftermath of the May Day riots to make the high commissioner yield to Muslim leaders' demands to give the council full control in these matters.¹⁰⁹ In fact, the administration was so concerned about divesting itself of these functions that it accepted their draft constitution without reservation: the chief secretary explained that he was 'anxious not to allow any further questions to be raised' on the subject.¹¹⁰ The vague drafting of many elements of this document would later hinder British attempts at curbing the power of the SMC.¹¹¹ The management of the *sharia* courts and *waqf* endowments gave the SMC significant social as well as religious functions, but it also gave it an independent financial position – an average annual income of around £50,000 or £60,000 through the 1920s – and a considerable body of staff – in 1924 over 1,100 – which were instrumental in the council's transformation into a significant platform within Arab politics.

In this context the question of who would lead the council was of major importance, particularly as the unclear drafting of the constitution seemed to confer life presidency upon its leader. The British choice in transforming the office of *mufti* (scholar or cleric) of Jerusalem represented another example of taking an existing institution and modifying it for colonial purposes. Previously, the *mufti* of Jerusalem had been responsible for the Hanafi rite, which conferred greater prestige but no direct power over other *muftis*. Britain renamed the title 'grand' *mufti* and, in making him president of the SMC, significantly expanded the scope and authority of the role. This restructuring undermined the balance that had existed under Ottoman rule where *qadis* had pre-eminence over *muftis*. The *qadis* were appointed centrally

¹⁰⁸ See Segev, *One Palestine, Complete*, pp.127-44.

¹⁰⁹ Deedes to Churchill, Political Report for August 1921, CO 733/6.

¹¹⁰ Deedes to Churchill, 29 December 1921, CO 733/8.

¹¹¹ See draft 'Supreme Moslem Sharia Council' order, undated, CO 733/8.

and were not from local areas in order to prevent favouritism and conflicts of interest, whereas *muftis* usually did have local origins. The creation of the SMC led to a unique situation in Islamic jurisprudence where a *mufti* appointed the *qadis*. The power to appoint all *qadis*, *muftis*, and *sharia* and *waqf* officials gave the council and its leader powers of patronage that enabled it to build substantial ties of loyalty amongst Muslim notables.¹¹²

Members of the al-Husseini family, one of the richest and most powerful groups of notables in Jerusalem, had held the position for over two centuries when Kalim al-Husseini died in 1921. The high commissioner chose his brother, Hajj Amin al-Husseini to succeed him but, as Zeina Ghandour has suggested, he was an ‘ambiguous ally’ due to his earlier involvement in the Palestinian Arab Congress and the Nebi Musa riots.¹¹³ The appointment of Hajj Amin was made in a context of divide and rule. Not only had the Jerusalem mayoralty recently been given to a member of the Nashashibi family, but Musa Kazim al-Husseini, who came from a different branch of the family, had been elected president of the Arab Executive.¹¹⁴ The grand *mufti* proved extremely willing to use the council to further his own interests and undermine those of his rivals, which helped to ensure that those rivalries, which also played out in the local and municipal spheres of government, prevented Arab notables from forming cohesive national bodies. There was an implicit agreement that in taking the quasi-official positions offered by the mandatory government that those who accepted them should not openly oppose the mandate and British rule.¹¹⁵

In terms of collaboration, the SMC was seen by the Colonial Office as a particular success: in 1926 an official noted that ‘the institution has, on the whole, been one of our most successful moves in Palestine... The arrangement has worked smoothly, and has no doubt done much to reconcile Mohammedans to the mandatory regime’.¹¹⁶ As Khalidi has suggested, the restructuring of various elements of the politico-religious Ottoman system constituted ‘a peculiarly brazen form of “invented tradition”’ that conferred significant legitimacy for these collaborative vehicles.¹¹⁷ However, there was also an important element of trusteeship involved with the SMC. Mandatory officials felt that in giving Muslims control

¹¹² Khalidi, *The Iron Cage*, p.57.

¹¹³ Ghandour, *A Discourse on Domination in Mandate Palestine*, p.139.

¹¹⁴ The grand mufti has been the subject of various studies because of his later role in the Palestinian Arab national movement and the outbreak of the Arab revolt in 1936. See Z. Elpeleg, *The Grand Mufti: Haj Amin al-Hussaini, founder of the Palestinian National Movement*, (London, Frank Cass, 1993) or Y. Taggar, *The Mufti of Jerusalem and Palestine: Arab Politics, 1930-7*, (New York, Garland, 1987).

¹¹⁵ Khalidi, *The Iron Cage*, pp.58-9.

¹¹⁶ Minute by Shuckburgh, 11 March 1926, CO 733/113.

¹¹⁷ Khalidi, *The Iron Cage*, p.58.

of their religious affairs they were discharging their obligations under trusteeship. In their mind, the communal functions carried out through this form of self-government were not viewed in political or national terms, which was a significant contrast with Jewish communal institutions and demonstrated how Orientalist thinking helped to shape administrative policy.¹¹⁸

Through the late 1920s, the SMC submitted various proposals to the mandatory administration to expand its power. It proposed creating a 'General Moslem Assembly' that would hold legislative powers, the ability to levy taxes on the Muslim population, and elect the SMC as a form of executive. This went far beyond the conception of what Britain thought was appropriate for Muslim communal affairs. By the end of the 1920s, the prevailing opinion was that the SMC had been granted too much power through its control of the *sharia* court system, but the mandatory administration was reluctant to undermine the advantages the SMC had provided.¹¹⁹ The chief secretary, Harry Luke, explained that

It must be recognised that the bringing into existence of this powerful Moslem Body has in some directions had distinctly beneficial results. The grant of responsibility and extensive powers to this Body have given the Moslems of Palestine a new sense of confidence and of pride and interest in their past, one of the results of which has been the impressive work of restoration in the Haram al-Sharif.¹²⁰

Luke continued by describing that a 'remarkable psychological change' had taken place: the Muslims were no longer 'apathetic' and 'this revival, both spiritual and material, is a phenomenon worthy of note in that it indicates the stirring of a new feeling in the Moslems of this country'.¹²¹ These statements were reliant on the Orientalist stereotype of a 'static' East to begin with, but it is particularly interesting that within his memorandum Luke suggested that it was the *British* creation of the Supreme Muslim Council that was ultimately responsible for this renewal, which can be taken as recognition of the necessity of British rule to 'stimulate' the Orient out of its backwardness.

The communal institutions of the Jewish population were markedly different from the Arab population as they came to reflect not only the international dimension of the Zionist movement but also the disparity in British thinking about the cultural qualities of the two peoples. The major difference was the political nature of the *yishuv* and the implicit sanction

¹¹⁸ Clayton to Hajj Amin al-Husseini, 14 April 1926, CO 733/161/9.

¹¹⁹ Memorandum by Harry Luke, 14 January 1929, CO 733/172/1.

¹²⁰ Ibid.

¹²¹ Ibid.

it received as a national body from the mandatory authorities. The Zionist Commission, which was appointed by the World Zionist Organisation (WZO), arrived in Palestine with the political objective of establishing the Jewish national home. As the commission grew it became the main collaborative institution between the *yishuv* and the Palestine government, which gave the WZO the crucial ability to lobby both the mandatory administration in Jerusalem and the British government in London. In 1921, the Zionist Commission was renamed the Palestine Zionist Executive after the establishment of the civil administration and it soon gained recognition as the official 'Jewish Agency' named under Article Four of the mandate. This formalised its role and the legitimacy of its operations, yet its development was essentially *ad hoc*, reliant on international support, especially for funding, and was not governed by any statutory instruments that regulated its functions. However, no comparable Arab institution was established under the mandate, and in time the Executive came to possess its own bank, school system, and health service, and was able to organise Jewish immigration and direct settlement.¹²² In 1929, the Zionist Executive transformed itself into an enlarged Jewish Agency, which incorporated an equal number of non-Zionists into its governing mechanisms in a bid to expand its funding base, particularly in the United States.¹²³ The growth of this institution meant that the Zionist Executive became a significant instrument of British indirect rule over the Jewish people of Palestine, which allowed for the emergence of various Zionist quasi-state structures, such as the *Histadrut*, for labour organisation, and the *Haganah*, for defence.

For the British, however, the major debate during the 1920s did not involve the evolution of the Zionist Executive, or even the *Histadrut* or the *Haganah*, but the creation of a statute that regulated the authority of the other major Jewish communal body in Palestine. A representative assembly for Jews in Palestine, the *Assefat Hanivharim*, had been established as early as October 1920 and the mandatory administration held regular meetings with its executive body, the *Va'ad Leumi*.¹²⁴ In July 1922, the high commissioner submitted a draft ordinance to give the Jewish community in Palestine a 'judiciary character' and provide statutory powers of autonomy, including the right to levy taxation.¹²⁵ This move was a consequence of the effect of utilising the *millet* style of Ottoman representation to divide the communities in Palestine. The Colonial Office rejected Samuel's initiative, but the issue was

¹²² Wasserstein, *The British in Palestine*, pp.136-7.

¹²³ Minute by Williams, 13 May 1929, CO 733/164/5; and Zionist Organisation to Colonial Office, 16 September 1929, CO 733/164/5.

¹²⁴ Wasserstein, *The British in Palestine*, p.137.

¹²⁵ Samuel to Churchill, 21 July 1922, CO 733/23.

raised again in August 1923 when the secretary of state instructed the high commissioner to submit proposals to create a Jewish body parallel to the Supreme Muslim Council. Samuel went further than the colonial secretary's instructions and again recommended the creation of statutory powers for the Jewish community that included political devices such as the right to levy taxes.

Sahar Huneidi has suggested that Samuel was motivated by his underlying commitment towards Zionism; a view that would contradict his professed impartiality in administering the mandate.¹²⁶ It is, however, perhaps more useful to view his support for enlarging Jewish communal powers as based on the idea of creating an equivalent to the SMC but that cultural preconceptions about Jewish capacity for self-government meant this idea took on a different meaning. Samuel explained that the constitution through which the SMC was created 'did not afford an altogether suitable model for the Regulation of the Jewish Community', as the *yishuv* also needed to be organised for a 'variety of lay purposes'.¹²⁷ This contrasted the view that religion formed the highest expression of 'natural' identity for Muslim Arabs against the belief that the Jewish community lived 'a highly developed communal life' alongside its religious practices that made it necessary for local Jewish bodies to be endowed with powers of autonomy. This, of course, reflected the secular nature of political Zionism. For Samuel, though, the matter was linked to the democratic proclivities of the Jewish and Arab peoples, which opened it up to Orientalist stereotypes about the 'backward' and 'despotic' East and the 'progressive' West. Whereas Jewish society in Palestine was capable of developing democratic institutions from the ground up, Samuel believed the Arab population was incapable of doing so and preferred to have authority imposed upon them.¹²⁸

When discussing Samuel's proposals, the Colonial Office did not dissent from this general perspective, which demonstrated how pervasive these cultural preconceptions were. Instead, it was hesitant to sanction the creation of an official body to represent every Jewish person in Palestine when some, such as orthodox or non-Zionist Jews, might be unwilling to recognise its authority.¹²⁹ To reconcile this anomaly, Samuel advocated the creation of two separate bodies: a religious authority that would deal with rabbinical affairs and a lay authority, which would have powers to levy taxes and run public services. In an unofficial

¹²⁶ See Huneidi, *A Broken Trust*, pp.184-9.

¹²⁷ Samuel to Thomas, 24 April 1924, CO 733/67.

¹²⁸ Ibid.

¹²⁹ Minute by Keith-Roach, 20 May 1924, CO 733/67.

capacity, the *Va'ad Leumi* was already engaging in these functions, but creating statutory powers for the lay authority would give it political functions and legitimacy that had no parallel with the Supreme Muslim Council. The Colonial Office's reluctance was exacerbated by the divisive effect that putting communal boundaries on a legal footing would have on the overall objective of pursuing self-government. The impact of Samuel's proposal was clearly considered in general terms of British trusteeship over Palestine: the question was not whether colonial officials believed the Jewish population was capable of exercising such power, but whether it could be justified as having a beneficial effect on Palestine as a whole.¹³⁰

The ensuing debate on this subject was described by staff in the Colonial Office as one of the most difficult they had yet had to deal with in connection with Palestine.¹³¹ This was because the outcome of these proposals would play a key role in the future development of the *yishuv*, and therefore raised wider questions about the nature of integration in the colonial context. The problem was that no alternative to the *millet* style of communal organisation could be suggested and that colonial precedent of divide and rule formed an underlying part of the debate about representation in the 'East' generally. One member of the Colonial Office minuted that

The truth of this is of course up to a point indisputable, that is to say that throughout the East you have within the State communities so different from, or even antagonistic to, each other that no other basis is possible, and from the Colonial Office point of view a communal basis has great advantages.¹³²

Leo Amery, the colonial secretary, further remarked that 'generally speaking I doubt if it is possible to ignore the communal basis as the natural one in an Eastern country especially the moment you talk in terms of elections and self-government'.¹³³ These comments ascribe the fractured nature of society as the normative mode of the 'East' and reflected the view that colonised societies were inherently divided rather than potentially unified. This was in spite of the fact that ostensibly Britain had tried to homogenise citizenship in Palestine. Amery suggested that

We stand clearly by the view that we recognise no other nationality and citizenship in Palestine than that of a Palestinian. [But] on the other hand there is what one might

¹³⁰ See Memorandum by Major Young, 23 February, 1925, CO 733/87.

¹³¹ Minute by Shuckburgh, 2 February 1925, CO 733/87.

¹³² Minute by Lambert, 12 March 1925, CO 733/87.

¹³³ Minute by Amery, 17 February 1925, CO 733/87.

call cultural autonomy and a measure of that seems to me a natural consequence of our determination to insist on the other.¹³⁴

Despite creating a 'Palestinian' citizenry, for colonial officials, a communal basis underpinned the colonial state and was the only way of providing coherence to the population of Palestine. Given that communal organisation formed a 'natural' grouping from which it was difficult to deviate, the role of Zionism here was a key issue in relation to trusteeship. Officials were insistent that they were not sponsoring Zionism to create 'something in the nature of another Balkan State with an aggressive nationalist policy [from] a dissentient minority'.¹³⁵ Instead, and in line with the general ethos of trusteeship, it was minuted that 'my idea of the Zionist experiment is the gradual awakening of the backward Arab peoples by the infusion of Jewish culture and enterprise'.¹³⁶ This is a useful example of how Zionism featured in the ethos of British trusteeship and it is in this context that the debate over the organisation of the Jewish community took place. Delegating such responsibility was conceived in terms of giving the Jewish population the requisite tools to carry out this function whilst at the same time developing the national home.

In the end, Samuel travelled to London and persuaded the secretary of state, then J.H. Thomas, to accept his proposals during a discussion, of which no records were kept, at the Colonial Office in late 1924.¹³⁷ The matter was eventually approved by the new colonial secretary, Leo Amery, when he visited Palestine in May 1925¹³⁸ and within two years the *Va'ad Leumi* had transitioned into an elected and representative lay authority with powers to levy taxation and maintain public services. The delay in promulgating the ordinance occurred because the Local Government Commission asked the high commissioner to delay whilst it carried out its own task.¹³⁹ In 1937, the Peel Commission echoed the Haycraft Commission's earlier verdict that the organisation of the Jewish community along these lines constituted an '*imperium in imperio*'.¹⁴⁰ In contrast to the Arab community, this delegation of powers gave the Jewish population a significant opportunity to develop national institutions. Through the indirect approach that Britain adopted towards the *yishuv*, its communal institutions became endowed with powers that allowed it to develop independently. Arab communal institutions,

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Memorandum by Major Young, 23 February, 1925, CO 733/87.

¹³⁷ Minute by Young, 31 January 1925, CO 733/87.

¹³⁸ Minute by Shuckburgh, 5 May 1925, CO 733/87.

¹³⁹ Storrs to Clayton, 19 March 1924, ISA 2/0/1/284.

¹⁴⁰ 'Palestine. Royal Commission Report', pp.48-9.

on the other hand, were constrained by a direct approach from the mandatory government that sought to keep the Arab population divided in order to expedite colonial rule.

A Concerted Approach: Sir Arthur Wauchope and the 1930s

Following the August riots of 1929, which will be examined in later chapters, the Passfield White Paper of October 1930 emphasised the necessity of introducing new forms of self-government and the question of establishing a legislative council was one that colonial officials carefully considered throughout the 1930s. The White Paper stated that 'the important question of the establishment of a measure of self-government in Palestine must, in the interests of the community as a whole, be taken in hand without further delay'.¹⁴¹ This assertion reflected the tendency to encourage constitutional development after outbreaks of colonial disorder. However, there had already been growing recognition that the wider question of self-government needed to be addressed. Shortly before the outbreak of violence, Palestine's third high commissioner, Sir John Chancellor, had tentatively revived discussions about a legislative council with the Colonial Office. Whilst suggesting that he appreciated that 'the obligations devolving upon the Mandatory power are incompatible with the establishment of a democratic form of Government', Chancellor prophetically explained that 'unless some steps are taken before long to associate the people more closely with the government of the country there is reason to think that political agitation against the Government may assume an objectionable and even a dangerous character'.¹⁴² His recommendation of using the 1922 legislative council model was cut short by the outbreak of violence in August 1929, which led to Chancellor suspending all discussions about constitutional development whilst questions of restoring and maintaining public security took greater priority.¹⁴³

Despite the White Paper's assertion that the question of self-government needed to be 'taken in hand without further delay', the situation was not that simple. The complexities that existed during 1921-3 remained and had, arguably, been amplified during the 1929 riots and the succession of policy announcements that followed. The attempt at expanding local autonomy had been informed by a general tension between advancing self-government and ensuring 'good' administration. That duality was carried forward into deliberations on

¹⁴¹ 'Palestine. Statement of Policy by His Majesty's Government in the United Kingdom', October 1930, Cmd. 3692, (London, HMSO, 1930), p.13.

¹⁴² Chancellor to Webb, 12 June 1929, CO 733/167/6.

¹⁴³ Proclamation by Sir John Chancellor, 1 September 1929, MECA GB165-0051.

constitutional development and widened in scope. Any proposals would have to be acceptable to all sections of the population, whilst containing adequate safeguards to ensure that mandatory obligations could be discharged. This was a fundamental problem that influenced all discussions on constitutional structures during the 1930s. The experience of Samuel's failure to establish a legislative council in the face of Arab obduracy was a further concern for colonial officials. The White Paper stated that 'the sooner all sections of the population show a desire to co-operate with His Majesty's Government in this respect, the sooner will it be possible for such constitutional development to take place as His Majesty's Government hope to see in Palestine'.¹⁴⁴ To address the question of self-government and gain that co-operation, Sir Arthur Wauchope, who had taken over as high commissioner in November 1931, adopted a concerted approach that linked local autonomy to national self-government.

The first major discussions on the subject under Wauchope began in early 1932. From the high commissioner's perspective, the establishment of constitutional institutions could be justified on numerous fronts: fulfilling an 'honourable pledge' made by various white papers that influenced British prestige; for the 'good of the people' in advancing self-government and trusteeship; and the political effect that it would have in Palestine.¹⁴⁵ The commitment to developing self-government for the 'good of the people' was a clear reference to trusteeship, but the connections between the three aspects reflected how self-government was also related to collaboration and provided a justification for the presence of the mandatory administration. Wauchope's position was influenced by underlying assumptions about the lack of Arab capacity for self-government and by the need to avoid the deadlock that had led to the rejection of constitutional proposals under Samuel. The legislative council model that had been proposed in 1922 offered a starting point, but it was clear that this model would need to be substantially adapted to gain approval from both communities after the Arab boycott of 1923. This, in turn, would require consultation with Arab and Jewish leaders to avoid another failure. In the interim, Wauchope opted to continue the strategy of expanding local autonomy but, unlike previous efforts, this was regarded as a short-term move to prepare a framework for discussions in Palestine about a legislative council, as well as increasing Arab familiarity with administration.¹⁴⁶

¹⁴⁴ 'Palestine. Statement of Policy by His Majesty's Government in the United Kingdom', p.14.

¹⁴⁵ Wauchope to Cunliffe-Lister, 8 April 1932, CO 733/219/4.

¹⁴⁶ Wauchope to Colonial Office, 26 March 1932, CO 733/219/4.

An important change since the legislative council was discussed in 1923 was the standing of the *yishuv*, which during the 1930s considerably increased in size and strength through increased levels of immigration. This transformation led to a different opinion amongst Zionist leaders on the desirability of a legislature: they would only support its establishment if it was created on the basis of 'parity', with equal representation given to Jews and Arabs. The demand was indicative of the ambivalence in British-Zionist relations that became more profound as the Jewish community grew and its dependence on the colonial state waned. Wauchope considered parity as 'wrong in principle', whilst the Colonial Office thought it 'obviously unreasonable' and 'impossible to defend in Parliament or elsewhere'.¹⁴⁷ It was acknowledged that accepting the principle would lead to severe repercussions with Muslim and Christian Arabs, who would almost certainly reject any proposals based on it.¹⁴⁸ The high commissioner believed that if opposition from the minority Jewish community was seen to be responsible for blocking the scheme, it would threaten the 'feeling of trust' he had established with Arab notables and undermine his collaborative mode of politics with them, particularly the grand *mufti*.¹⁴⁹ For his part, Hajj Amin al-Husseini pushed for the proposed legislative council to be fully representative and have the widest powers possible as part of an overall strategy to use a legislature to 'safeguard' Arab interests, which in effect meant blocking the growth of the Jewish national home through limiting immigration.¹⁵⁰ Whether the demand for parity was a tactic by the Zionists to prevent the establishment of the legislative council outright is debatable, but it is certain that they feared an Arab majority would use the council to restrict the development of the national home and were anxious that mandatory officials would be unable to devise a means where an Arab majority could not do so either directly or indirectly.¹⁵¹ This was a concern that mandatory officials felt, but was part of a wider apprehension that a legislative council without adequate safeguards would quickly pass out of British control.

The possibility of Jewish opposition formed a major part of the decision to focus on improving participation in local affairs and to use the interim period for consultation with both communities to secure their co-operation, instead of re-opening the question in public. The decision was justified by Wauchope as in the interest of the country:

¹⁴⁷ Ibid; and Colonial Office Note, 27 October 1932, CO 733/219/4

¹⁴⁸ Wauchope to Cunliffe-Lister, 16 September 1932, CO 733/219/4.

¹⁴⁹ Wauchope to Cunliffe-Lister, 8 April 1932, CO 733/219/4.

¹⁵⁰ Summary of conversation between the High Commissioner and the Grand *Mufti*, 20 August 1934, CO 733/265/1.

¹⁵¹ Wauchope to Cunliffe-Lister, 9 April, 1932, CO 733/219/4.

I see no dishonesty in postponing its fulfilment for another 1½ years when it is in the interests of the country to do so: I submit it is wiser from every reason to take such action now... provided we adhere to our determination to grant one as soon as we can with benefit to the country as a whole, and provided we take small but immediate measures to increase the share of the people in the administration and government of the country.¹⁵²

These 'immediate measures' were designed to create space for discussions about the legislative council and involved appointing more Palestinians to government advisory boards, admitting three unofficial members to the high commissioner's advisory council to increase the local population's access to the machinery of government, and enacting a new ordinance to extend the powers of local bodies.¹⁵³ These initiatives were designed to create time for discussion about the legislative council. They were part of a positive move based on the assumption that local autonomy offered a more suitable environment for Arabs to gain experience in administration.

By November 1932, unofficial Jewish and Arab members had been appointed by the high commissioner to the Agricultural Council, the Labour Board, the Standing Committee on Commerce and Industry, the Railway Board, and the Road Board.¹⁵⁴ A new ordinance for local government was not enacted until January 1934. Its size and complexity meant that the administration consulted with the Colonial Office and various bodies in Palestine, including mayors, the Arab Executive, and the Jewish Agency, who all made objections to the initial draft put forward in September 1932 on the grounds that the Palestine government exercised too much control over municipalities.¹⁵⁵ The Municipal Corporation Ordinance set out in some detail the duties of municipal business by enumerating the powers and obligations of the council, the maximum taxes it could levy, the services it could undertake, and the officials that it could employ. The legislation represented a significant expansion of municipal functions, particularly as the councils were now able to start creating their own municipal civil services by appointing local officials, such as a town clerk, town engineer, and medical officer.¹⁵⁶ However, the mandatory administration retained extensive supervisory powers: the financial activities of the municipalities were subject to the approval of the district

¹⁵² Wauchope to Colonial Office, 26 March 1932, CO 733/219/4.

¹⁵³ Cabinet Paper by Cunliffe-Lister, 'Palestine: Legislative Council', November 1932, CO 733/219/4.

¹⁵⁴ Ibid.

¹⁵⁵ Wauchope to Cunliffe-Lister, 1 July 1933, CO 733/243/3.

¹⁵⁶ 'Palestine. Royal Commission Report', p.348.

commissioner and the high commissioner reserved the power to create local authorities, appoint mayors, direct elections, and disband ineffective councils.¹⁵⁷

The effects of the new ordinance were slow to take hold. In 1937, the Peel Commission found that the average municipality was 'not yet a corporate body expressing in its services the social sense of the community'. It implied that the municipalities were inadequately developed to deliver effective local self-government: there was 'little sense of municipal responsibility for the public welfare in the sense in which this would be understood in Europe'.¹⁵⁸ Of course, this tended to refer to the Arab population. It concluded that many Arab towns were too small and without adequate means to create a municipal civil service. Most could only afford a single officer and five had no permanent civil staff at all. Following on from that it was established that most towns could only offer limited public services; beyond such 'fundamental amenities' as drainage, sewerage, and roads, there had been little expansion into services like electricity or public transport, whilst control of education and public health remained centralised in government departments. Although financial constraints and lack of initiative were partly responsible for this, the Peel Commission also concluded that the growth of municipal councils had 'been checked in some degree by the strict subordination of the Municipalities to the District Administration'.¹⁵⁹ The practice of approving municipal budgets was deemed excessively laborious and had the consequence of alienating the municipal councils by undermining their independence. It also had the practical effect of holding up public works: 'the more progressive Municipalities resort in exasperation to a variety of semi-legal devices to circumvent the delay and so press on with important works'.¹⁶⁰ In the overall context of developing self-government, British preoccupation with ensuring that it maintained sufficient control to ensure a minimum standard of administration actually acted as a barrier to development. This control was justified through the paternal form that trusteeship often assumed which, in promoting the overall interests of Palestine, warned colonial officials about a reckless delegation of authority to bodies that were not ready or capable of managing such responsibilities.

By 1934, the focus of Wauchope's concerted approach had shifted back towards the question of a legislative council. There were three main aspects to be considered before official talks could begin in Palestine: the form of the council; the nature of representation

¹⁵⁷ Wauchope to Cunliffe-Lister, 1 July 1933, CO 733/243/3.

¹⁵⁸ 'Palestine. Royal Commission Report', p.349.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

amongst its members; and the powers it would hold. The three elements would need to be carefully aligned to address the issues of general Zionist opposition and the call for parity, Arab demands for a fully representative parliament with wide powers, and British concerns over adequate safeguards to ensure the operation of the mandate.¹⁶¹ Because of the Arab boycott in 1923 there was sustained debate about the new proposals. The main discussions came in two phases during 1932 and 1934. In the end, a legislative council was not established, but the debates are important because they demonstrate the shape of British thinking on the general nature of self-government.

The 1922 White paper had established a clear precedent for the form of the council that was in line with the wider practice of colonial legislative councils with a semi-elected single chamber that was subject to controlling British influence. However, there was still scope for deliberation. In August 1934, the district commissioner for Jerusalem, J.F. Campbell, submitted a memorandum that emphasised the benefits of a wholly nominated bicameral system. He believed that this system, with an officially controlled upper house, would provide the most effective safeguards for British interests. For Campbell, being able to appoint the lower house would prevent infiltration by 'extremists' and provide a more compliant body for the mandatory administration to work with.¹⁶² Despite these suggestions, there was a general consensus between the high commissioner and the Colonial Office that a unicameral system offered a more straightforward option based on existing colonial patterns, and so bicameralism was not seriously considered.

Campbell's suggestions, however, did help to structure some of the discussions that were held. In speaking of the problems of 'extremists' gaining seats on the council, he raised a major British concern about ensuring the legislature remained 'moderate'. The high commissioner explained that a perfectly free election 'would almost certainly lead to the election of a number of irresponsible extremists [and] men of this type would not represent the real interests of Palestine, which are primarily agricultural and industrial'.¹⁶³ Presumably, these 'extremists' would have been mainly concerned with restricting Zionist development which in turn would harm those agricultural and industrial interests. This is a good example of British officials defining what local interests in Palestine were through their own

¹⁶¹ See, for example, 'Note of conversation between Colonial Secretary and Mr. Sokolow and Dr. Brodetsky', 3 November 1932, CO 733/219/4; and Summary of conversation between High Commissioner and Grand Mufti, 20 August 1934, CO 733/265/1.

¹⁶² J.F. Campbell to Hathorn-Hall, 24 August 1934, CO 733/265/1.

¹⁶³ Wauchopo to Cunliffe-Lister, 25 August 1934, CO 733/265/1.

perspectives and demonstrates one of the key assumptions of trusteeship that agricultural and industrial development, leading to economic prosperity within a framework of liberal, utilitarian, and rational governing institutions, would mitigate political tension between the Jewish and Arab communities. To ensure that such interests were adequately represented, Wauchope believed it was 'essential' that a certain proportion of the council be nominated by the high commissioner.

The system of representation for the council – and its overall size – provoked debate in two main directions: the nature of the official element and the distribution of seats between the different communities. In considering the size of the council and its official contingent, Wauchope was willing to depart from colonial precedent and the blueprint established by the 1922 White Paper. In order to give more scope to balancing the representation of the various communities, he departed from the practice of an official majority and instead proposed a much larger council of between 30 and 40 members. His preference for a smaller official element was also part of an attempt to make the Arab population engage with the council, as one of the major complaints about the 1922 model was that the number of official members would severely limit Arab influence within it. The Colonial Office, however, was wary of this proposal. It argued that a larger council would be difficult to manage as the official and nominated members would be 'swamped' by the elected members. The colonial secretary proposed limiting unofficial elected members to 14, with five official and six nominated members.¹⁶⁴ In the end a form of compromise was reached after meetings at the Colonial Office in October 1934. The 1922 proposal of 12 elected unofficial members was retained, but the official element was reduced in favour of nominating unofficial members to ensure adequate representation of all interests and to guarantee some form of moderacy. The accepted formula was 12 elected and 16 nominated members, including five official positions amongst the nominees.¹⁶⁵

The balance of official and unofficial members was a cause for debate, but the major point of discussion was the distribution of seats between the different communities in Palestine. This was always going to be a contentious issue as the allocation of seats would ultimately determine the prevailing attitude of the council, especially with a reduced official element. The leaders of the *yishuv* called for parity, whilst the Arab population demanded a fully proportional system. These calls reflected contemporary demographic realities: Arab

¹⁶⁴ Colonial Office Note on Palestine Legislative Council, 2 October 1934, CO 733/265/1.

¹⁶⁵ Wauchope to Colonial Office, 29 October 1934, CO 733/265/2.

notables felt that proportional representation would deliver the legislature into their hands so they could block the growth of the Jewish national home, whilst Zionist leaders called for parity as the most effective way of circumventing Arab demands for restrictions.¹⁶⁶

The British position was that neither mode was an adequate system of representation.¹⁶⁷ Wauchope had mooted the possibility of adopting a territorial basis for the division of seats, rather than communal, to make the issue of representation appear less contentious. However, the constituencies were to be arranged so that the desired number of candidates from each communal denomination was elected, which demonstrated that the communal paradigm derived from the *millet* system continued to underpin British thinking on the subject. The use of a territorial division was also thought to be less divisive in terms of Arab-Jewish relations, although the encouragement of Arab-Jewish co-operation was not necessarily a high priority in terms of trusteeship. The mandatory administration preferred to focus on developing limited forms of self-government and maintaining an efficient administration within a British framework. This predilection complemented the colonial secretary's view that the communal basis would be more prudent and would allow each community to adopt its own system of voting. For example, the Jewish community would have been able to extend a female franchise.¹⁶⁸

In the end, the overall shape of the council allowed the mandatory administration to settle on a hybrid of the two: the elected element would be configured on a population basis, whilst the high commissioner could appoint the nominated members to ensure that there was no dominant majority. In practical terms, this meant that the total number of Christian and Muslim seats would be 14, the Jewish community would have nine, and the official complement would be five seats. The distribution of seats also mirrored cultural preconceptions. It was obvious that a proportional system offered the most equitable system of representation but, despite rejecting Jewish calls for parity, it was almost taken for granted by colonial officials that they would be given representation beyond their relative proportion of the population and that they would exercise this power more responsibly. These preconceptions were no doubt reinforced by the development of democratically elected communal institutions within the *yishuv* itself.¹⁶⁹ Malcolm MacDonald, who became colonial secretary in June 1935, explained that Zionist leaders 'are really capable of being

¹⁶⁶ Colonial Office Note on Palestine Legislative Council, undated, CO 733/265/1.

¹⁶⁷ Note of discussion in Colonial Office, 19 October 1934, CO 733/275/1.

¹⁶⁸ Ibid.

¹⁶⁹ Cunliffe-Lister to Wauchope, 2 December 1932, CO 733/219/4.

statesmanlike, and are by far the most likely... to make constructive contributions to a problem the solution of which requires concessions from both sides'.¹⁷⁰ There was an element of pragmatism though, as the official and Jewish members could vote together and provide a counter-weight to an Arab bloc and defeat potentially dangerous legislation, but the increased representation of Jewish interests must also be seen in terms of cultural preconceptions about capability for self-rule.

Because there would not be an official majority on the council and because Jewish co-operation could not necessarily be guaranteed on every subject, the powers that the legislative council would be given, or the restrictions placed on it, were of paramount importance in providing safeguards to sustain British rule. For the Arab community, these safeguards had to allow the council to exercise some degree of legislative power to make it worthwhile for the local population to engage with it, because they would once again be presented with the dilemma of providing legitimacy to the mandate if they decided to support its establishment. However, Wauchope viewed the delegation of legislative power through the prism of trusteeship. He felt obligated to create a meaningful legislature as a way of developing self-government in the interests of the population. But in trying to grant real power, Wauchope acknowledged the need for rigorous safeguards to ensure that the requirements of 'good' government could be adequately met, which again demonstrated hesitancy about the political inexperience of Arabs and the general reluctance of British officials to grant representative power in a colonial context.¹⁷¹ This need was also increased because after the experience of the Arab boycott in 1923, it was decided to not only abandon the official majority but also the clause in the council's constitution that prevented it from passing laws that contravened the mandate. Wauchope regarded the clause as a 'sweeping restriction', but also an unworkable one, given that the terms of the mandate were 'general and elastic... [and] lend themselves to a variety of interpretations between wide limits', which could quickly lead council deliberations into an impasse.¹⁷²

This left two other forms of safeguard to consider. The first was to reserve certain subjects from the jurisdiction of the legislature, such as land and immigration, which were obviously divisive issues. Yet reserving subjects was nearly as objectionable as inserting a clause that did not allow bills to disregard the mandate as it restricted free speech and closed

¹⁷⁰ MacDonald to Wauchope, 22 June 1935, CO 733/275/1.

¹⁷¹ Wauchope to Cunliffe-Lister, 25 August 1934, CO 733/265/1.

¹⁷² Wauchope, 'Observations on the methods for providing safeguards for the proposed Legislative Council', undated, CO 733/265/1.

off the possibility for constructive suggestions to be made on the barred subject. The other idea was to give the high commissioner a power of veto over the council and the ability to certificate legislation without reference to the council when it was 'urgently required in the public interest'. This proposal had the advantage of allowing the council to at least debate freely on any subject, which Wauchope described as 'an important psychological consideration' in garnering support for the policy.¹⁷³ At the same time, however, it was the widest safeguard possible in that it potentially applied to every bill the legislative council might want to enact. In ruling out the official majority and obeisance to the mandate, Wauchope had no real choice but to adopt powers of veto and certification if the mandatory administration was to retain what it felt was an effective safeguard. To make this more palatable it was suggested that the use of such powers would be restricted to bills that were inconsistent with the mandate, prejudicial to public security or the external defence of Palestine, or that concerned taxation and expenditure of public funds.¹⁷⁴

This framework on the form of the council, its system of representation, and its powers received approval from the Cabinet in November 1934. Throughout the discussions with the Colonial Office, Wauchope had also been conducting unofficial talks with leaders in Palestine to gauge their opinion on the proposals and he continued these in a bid to begin official talks in June 1935. After meeting with the grand *mufiti*, Wauchope ascertained that the broad Arab perspective was that it would support the proposals but at the same time endeavour to gain as wide powers as possible during official talks about its formation. Wauchope warned Hajj Amin that if the Arab community refused to participate in a legislative council with 'moderate' powers, then it would reinforce the underlying British belief that 'that the Arabs were not yet fit for a Council, nor for any constitutional change'.¹⁷⁵ However, Wauchope's discussions with David Ben-Gurion, who had by now emerged as the dominant leader of the *yishuv*, took on a very different complexion and MacDonald's comments about the 'statesmanlike' leaders of the *yishuv* being more likely to compromise when concessions were required proved significantly misplaced.

The indirect approach that Britain adopted towards the Zionist movement, which had allowed for the emergence of quasi-state institutions under the banner of communal organisation, gave enough scope for the achievement of Zionist aims and meant a legislative

¹⁷³ Ibid.

¹⁷⁴ Wauchope to Cunliffe-Lister, 25 August 1934, CO 733/265/1.

¹⁷⁵ 'Summary of Conversation between the High Commissioner and the Grand Mufti', 20 August 1934, CO 733/265/1.

council was largely unnecessary. Since the mandatory administration could not agree to parity, it was clear that the *yishuv* would be unable to control the council and so it actually represented more of a threat to its interests than an opportunity for advancing them. Wauchope identified three positions that Zionist leaders would adopt during official discussions: firstly, to attempt to postpone the question indefinitely; secondly, to insist on the principle of parity; and finally, to attempt to limit the powers of the council to such an extent that the Arab community would refuse to participate. In private, Ben-Gurion went as far as demanding that when working out the representative balance between the communities, every Jew in the Diaspora should potentially be included in the *yishuv*, which Wauchope regarded as 'quite unfair'.¹⁷⁶ This position, derived from the international nature of the Zionist movement, was again re-iterated at a meeting between Weizmann and Wauchope in May 1935.¹⁷⁷ This general stance was another indication of the growing ambivalence in British-Zionist relations.

The force of Jewish opposition, and the fact that Malcolm MacDonald had only recently been appointed as colonial secretary, meant that any formal declaration or conversation on the subject was postponed until the autumn of 1935, whilst Wauchope attempted to reconcile with Zionist leaders. Despite 'friendly' talks that continued throughout the year, the high commissioner was warned that he must not take deliberation on the subject as an implication that they would participate in the legislative council.¹⁷⁸ Indeed, by now Ben-Gurion suggested that he would not support a legislative council even if the principle of parity was accepted.¹⁷⁹ Wauchope's own position was informed by his earlier belief that 'enforcing the establishment of a Legislative Council now against strenuous Jewish opposition... would create a most difficult situation both in Palestine and elsewhere, and would be bad for the country'.¹⁸⁰ The proximate difficulty resulting from a Jewish boycott would be the empty seats on the council, and the implications that would have on the direction of it under uncontested Arab leadership.¹⁸¹ On these grounds, Jewish opposition was actually a key factor in Arab support for the council.¹⁸² But, whilst accepting the need to gain Zionist support, the high commissioner hinted that he was willing to press on with his proposal even if they threatened abstention. He was clearly addressing the deteriorating

¹⁷⁶ Wauchope to Cunliffe-Lister, 16 August 1934, CO 733/265/1.

¹⁷⁷ Wauchope to Cunliffe-Lister, 7 May 1935, CO 733/275/1

¹⁷⁸ Wauchope to MacDonald, 17 July 1935, CO 733/275/1.

¹⁷⁹ Wauchope to MacDonald, 25 July 1935, CO 733/275/1.

¹⁸⁰ Wauchope to Cunliffe-Lister, 26 March 1932, CO 733/219/4.

¹⁸¹ Wauchope to MacDonald, 9 August 1935, CO 733/275/1.

¹⁸² Wauchope to MacDonald, 25 July 1935, CO 733/275/1.

political situation in Palestine through the mid-1930s when he explained that 'the evil results, were we to give way now in deference to Jewish protests and threats of non-cooperation in the election, would be as deplorable as they undoubtedly would be lasting'.¹⁸³ Wauchope feared this situation would be followed 'by riots or grave acts of civil disobedience in Palestine'.¹⁸⁴ However, the desire to gain Jewish co-operation proved stronger and resulted in inertia on the subject, which meant the proposals remained at the stage of unofficial talks.

Wauchope continued to view the establishment of a legislative council in terms of trusteeship but, by the end of 1935, his concerted approach to self-government became part of a wider picture of changes that the mandatory administration needed to introduce to sustain trusteeship amidst a changing political climate. The high commissioner suggested that, in addition to the creation of a legislature, a reduction of immigration from the 'excess' level of 1934 was needed, and that a measure to give protection to small land owners from dispossession was required (which will be examined in chapters three and four). He explained that 'I need hardly add that I do not urge these measures on account of Arab ill-feeling or resentment: I do so because I consider that to carry out our double duty under the Mandate, these measures... are called for to enable Government to maintain the principles underlying its policy'.¹⁸⁵ Those principles were the fundamental expressions of trusteeship that Zionist settlement would promote economic development whilst not disadvantaging the position of the Arabs.

In March 1936, there was a significant growth of opposition within the British parliament to the establishment of a legislative council, to the point that the government had 'practically no support' on the issue. After a prolonged House of Commons debate on 24 March 1936, during which MacDonald detected 'extensive Jewish propaganda', the general opinion was that the British government was not obliged to set up a legislative council within a certain time frame, that Palestine required more 'training' in local and municipal government before the creation of a legislature, and that its establishment was more likely to exacerbate tensions between Jews and Arabs than improve them.¹⁸⁶ Furthermore, MacDonald reported 'it was feared that, despite any safeguards, [a] Legislative Council would become an instrument for defeating the intention of the Mandate and for checking the development of

¹⁸³ Wauchope to MacDonald, 5 August 1935, CO 733/275/1.

¹⁸⁴ Wauchope to MacDonald, 11 February 1936, CO 733/320/5.

¹⁸⁵ Wauchope to MacDonald, 7 December 1935, CO 733/320/5.

¹⁸⁶ Hansard HC Deb, 11 March 1936, Vol. 309, c2110-2; Hansard HC Deb 24 March 1936, Vol. 310, c1079-1150.

the national home'. Parliament suggested that either a commission of enquiry be despatched to Palestine to determine whether it would be 'desirable to give effect to the proposals' or that a round table conference be held in London to discuss a potential constitution with both sides.¹⁸⁷ Wauchope protested that these courses of action would have 'the worst possible effect on Arabs in Palestine' as they would be seen as reneging on previous commitments.¹⁸⁸ Proposals to invite an Arab delegation to London to consult with the colonial secretary were discussed, but before they could be agreed the Arab rebellion broke out and the project of a legislative council was dropped entirely.¹⁸⁹ The convergence of Jewish opposition in Palestine and political reticence in London were responsible for the failure of Wauchope's concerted approach to establish a national legislature.

Conclusion

After the collapse of constitutional proposals under Samuel in 1923, sustained dialogue on various aspects of a legislative council between 1932 and 1936 represented a comparatively flexible approach by the mandatory administration and the Colonial Office to try and align Arab, Jewish, and British interests within an acceptable format. The primacy of British interests within that matrix meant that the mandatory authorities would not establish a legislative council that it was not able to control. In the end, this principle underlined much British thinking on the development of Arab self-government in Palestine, as it was clear that an unsupervised delegation of significant authority could quickly undermine the foundations of the colonial state. Nevertheless, the failure to advance authentic self-government was a political grievance that Arab notables held from the beginning of the mandate. The prevarication over establishing a legislature under Wauchope, amidst Zionist opposition to the proposal, was an exacerbating factor on the already radicalised political opinion of the Arab community in the 1930s, which had begun to see armed resistance as the only effective method of realising its national aims.

The lack of a national forum in which Jews and Arabs could engage in political discourse can be seen as a factor in the developing conflict between the two communities, although it is clearly difficult to gauge the effect that creating a legislative council would have had whether it was created in the early 1920s or the mid-1930s. In the end, the evolution of communal organisations provides more explanation for the growing separation and

¹⁸⁷ MacDonald to Wauchope, 25 March 1936, CO 733/320/5.

¹⁸⁸ Wauchope to MacDonald, 28 March 1936, CO 733/320/5.

¹⁸⁹ Wauchope to Ormsby-Gore, 19 September 1936, CO 733/320/5.

deepening tensions. The indirect approach taken by the mandatory administration towards the *yishuv* gave it sufficient latitude for its communal institutions to develop independently and become quasi-state institutions, which could unite the Zionist movement in times of crisis. On the other hand, the communal division of Arabs into Muslim and Christians, and more importantly the use of the SMC and local positions of autonomy to divide Arab notables along factional lines, prevented the emergence of unified, self-governing institutions that could effectively challenge the mandatory power or fend off Zionist colonisation.

These issues indicate that British thinking about self-government in Palestine was influenced by the question of collaboration. Granting limited autonomy to encourage the local population to acquiesce in mandatory rule was a key tactic to ensure stability for the colonial state. However, even when self-government was contemplated in terms of collaboration, trusteeship played a very significant role. The creation of self-governing institutions represented an important factor in the overall development of Palestine and was therefore a central element of British trusteeship. This ethos sought to promote the development of self-government, but at the same time concern about the 'interests' of the local population served to constrain the delegation of authority when it might have threatened the basic tenets of colonial governance – the firm maintenance of law and order, the creation of satisfactory conditions for economic productivity, and the development of public services. As has been demonstrated, these considerations were profoundly informed by cultural preconceptions about the capacity of Arabs and Jews for controlling their own affairs.

It was often the case that when British officials contemplated delegating power to the Arab community, they believed that it would also undermine the administrative standards to which they aspired under their obligations as trustees for Palestine. This meant that the major focus of British efforts at promoting self-government amongst the Arab community was at the level of local government, so that they could gain experience in district administration or of running local or municipal councils before participating in more responsible and representative structures of national self-government. Colonial officials were willing to tolerate some losses of efficiency at the local level, provided that a supervisory influence was in place to ensure that administration did not drop below a certain standard. To make this delegation at the local level more acceptable, many important areas that could have been administered locally, such as education, were concentrated in government departments run by British officials. The centralisation of real power and the overarching presence of British

supervision had the ultimate effect of deterring the majority of Arabs from substantially engaging with such structures.

3

Immigration

From the beginning of British rule in Palestine, Arab calls for an immediate grant of representative self-government were based on a desire to repudiate the Balfour Declaration and prevent Zionist settlement in Palestine. After the declaration had been issued in November 1917, it was clear that Jewish immigration into Palestine would be a cornerstone of the Zionist Organisation's ambitions for the establishment of a national home in Palestine. Wyndham Deedes, who served as Sir Herbert Samuel's first chief secretary, went as far as saying that immigration was 'the essence of Zionism'.¹ It was held in such high regard by Zionists that it was designated '*aliyah*', meaning to ascend, which gave a spiritual tone of revivalism to secular Zionism. The first two waves of Jewish migration to Palestine, known as the first and second *aliyah* (1882-1903 and 1904-14), lacked the scale and political intensity that accompanied the third, fourth, and fifth (1919-23, 1924-29, and 1932-38). The first and second *aliyah* were marked by Arab-Jewish tensions of their own, including violent clashes in Jaffa in 1908, but British support for Zionist ambitions and its supplanting of the Ottoman empire during the First World War meant that the Zionist aspiration of a Jewish majority in Palestine became a feasible, if distant possibility.²

The ramifications of this aspiration, including the frustration of pan-Arab aims in the region, meant that immigration was a fundamental cause of hostility between the *yishuv* and the indigenous Arab population. British immigration policy attracted sustained criticism from both Zionist and Arab leaders: the former aimed to maximise autonomy over the immigration process to settle as many immigrants as possible, whilst the latter continuously called for the suspension of Jewish immigration.³ Tensions were not only driven by political grievances, but also by the economic impact of Jewish immigration.⁴ In fact, British attempts to regulate immigration between 1920 and 1936 were ultimately administered by a series of different economic categories and not through a politically driven system of quotas, which reflected

¹ Deedes to Churchill, 10 March 1922, CO 733/19.

² Shapira, *Land and Power*, p.83-5.

³ See Zionist Organisation to Churchill, 10 May 1921, FO 371/6382; and 'A Brief Statement of the Demands of the Arab People of Palestine (Moslems and Christians) by the Palestine Arab Delegation in London', 12 August 1921, CO 733/14.

⁴ Barbara Smith, *The Roots of Separatism in Palestine: British Economic Policy, 1920-29*, (London, Tauris, 1993), pp.3-16.

the importance that colonial officials attached to the economic dimension of Jewish immigration.

A number of approaches can be taken to studying the economy of Palestine in the mandatory period. One is of a 'typical European colony', complete with a European settler minority. Despite the nature of the mandate system, which prevented mandatory powers from establishing special trade privileges for themselves, Palestine had an archetypal system of colonial finance: its currency was linked directly to the metropolitan power; significant portions of revenue were raised from indirect taxes; and a high proportion of expenditure went on security and defence.⁵ A second perspective is that of a 'dual economy' with separate Arab and Jewish sectors. The Jewish sector, initially a set of fragmented enclaves, was transformed by the influx of immigrants and capital into a 'definable economic organisation'.⁶ Whilst potentially useful, such an approach needs to be careful about denying the important contacts that took place between Arab and Jewish workers across the period.⁷ A third frame of analysis is of a capitalist sector interacting with a pre-capitalist one in a paradigm that moves away from national labels by focusing upon the Palestinian economy as a whole. Yet there are problems here as well; for example, to identify Jewish settlement with a capitalist dynamic can ignore the fact that the success of the Zionist movement was actually predicated on subordinating considerations of profit and loss to maintaining as many Jews in Palestine as possible at a standard of living fit to encourage more to settle there permanently.⁸

All of these approaches have a degree of utility to them. Jacob Metzger has put forward a more nuanced dual economy model that draws on the last two by suggesting that a dualist outlook is appropriate provided that it is recognised that there were 'substantial' economic relations between Jews and Arabs.⁹ This chapter will utilise Metzger's notion of a dual economy whilst recognising that that economy was profoundly framed by both the colonial context of Palestine and the capitalist/pre-capitalist interactions that took place within it. The Zionist movement hoped that, within the dual economy, a division along ethnic lines would advance the development of the Jewish national home; so it was generally the case that Arab land sold to Jews passed permanently into Jewish hands through a process of 'nationalisation'; that Jewish flows of capital were almost exclusively invested in Jewish

⁵ Roger Owen, 'Introduction', in Owen, *Studies in the Economic and Social History of Palestine*, p.4.

⁶ Ibid, p.5.

⁷ See, for example, Lockman, *Comrades and Enemies*.

⁸ Owen, 'Introduction', pp.6-7.

⁹ Jacob Metzger, *The Divided Economy of Mandatory Palestine*, (Cambridge, Cambridge University Press, 1998), p.9.

enterprises; and that non-Jews were actively discouraged from working in them. These trends generated tension between the communities, but political conflict was exacerbated by heightened levels of immigration, particularly when it combined with other volatile issues like contested land claims and disputes over the control of sacred urban spaces.¹⁰ This was especially the case during the 1930s when Palestine became one of the only viable refuges for European Jewry after the rise of Nazism in Germany. During the fifth *aliyah*, the short period of 1933-36 witnessed more than half of the total number of immigrants settle in Palestine since the beginning of British rule. In 1935, immigration peaked at 61,854, which at that rate would have seen a Jewish majority in around a decade.¹¹ The dramatic rise in immigration in the 1930s and a change in the dynamic of rural land sales intensified popular images of Jews dispossessing Arabs and provided a key impetus for the outbreak of the Arab rebellion during 1936.¹²

The importance attached to immigration in this context means that the British role and motivation for facilitating it has been explored inconsistently. It is often analysed indirectly as a cause in the outbreak of violence, such as in the riots of the early 1920s, the Arab rebellion of 1936-39, or with the 1939 White Paper and consequent Jewish revolt after the Second World War.¹³ A major exception to this is a relatively old study by Moshe Mossek on immigration policy under the tenure of Sir Herbert Samuel.¹⁴ The danger of an indirect approach is of a reductive frame of analysis; the correlation between levels of immigration and the outbreak of disorder was not a simple one. Moreover, there is a risk of obscuring the wider rationale that British officials used in justifying support for immigration, which remained fairly consistent between 1920 and 1936. The aim of this chapter is to examine the development of the immigration system between those years and explore how ideas of trusteeship informed immigration policy in Palestine. The British commitment to facilitate

¹⁰ Martin Thomas, *Empires of Intelligence: Security Services and Colonial Disorder after 1914*, (London, University of California Press, 2008), p.226 and Charles Townshend, 'Going to the Wall: The Failure of British Rule in Palestine, 1928-31', *Journal of Imperial and Commonwealth History*, Vol. 30, No. 2, (May 2002), pp.25-52.

¹¹ 'Palestine. Royal Commission Report', p.279.

¹² Y. Porath, *The Palestinian-Arab National Movement: From Riots to Rebellion, 1929-1939*, (London, Routledge, 1977), pp.81-90.

¹³ See, for examples, Sherman, *Mandate Days*, p.92, p.94, pp.175-8; W.F. Abboushi, 'The Road to Rebellion: Arab Palestine in the 1930s', pp.28-9; Michael J. Cohen, 'Appeasement in the Middle East: the British White Paper on Palestine, May 1939', *The Historical Journal*, Vol. 16, No. 3, (1973), pp.571-96; G. Sheffer, 'British Colonial Policy-Making Towards Palestine, 1929-39', *Middle Eastern Studies*, Vol. 14, No. 3, (October 1978), p.316; David A. Charters, *The British Army and Jewish Insurgency in Palestine, 1945-47*, (London, Macmillan, 1989), pp.12-42; Freddy Liebreich, *Britain's Naval and Political Reaction to the Illegal Immigration of Jews into Palestine, 1945-49*, (London, Frank Cass, 2004).

¹⁴ Moshe Mossek, *Palestine Immigration Policy under Sir Herbert Samuel*, (London, Frank Cass, 1978).

Jewish immigration has been explained in terms of strategic national interest, where sponsorship of a Jewish national home would safeguard British interests in the Middle East by establishing a loyal settler population and simultaneously foster favourable sentiments toward Britain throughout world Jewry.¹⁵ Whilst this may have been the initial case for policymaking in the highest echelons of the British government, it is unlikely that this reason alone could have sustained British support for Zionism in the face of Arab protests throughout the mandatory period. Under Article Six of the mandate, Britain was obligated to facilitate Jewish immigration as long as 'the rights and position of other sections of the population are not prejudiced'. The fulfilment of this obligation connected to the assumptions that sustained trusteeship: that carefully managed Zionist settlement in Palestine would drive economic development and that this, in turn, would mitigate opposition to the establishment of the national home.

Both Britain and the Zionist Organisation emphasised that Jewish immigration would be synonymous with progress. It was believed that the growth of the *yishuv*'s economy through immigration and the capital that followed it would have a positive effect on transforming the subsistence agriculture on which the Arab element of the dual economy was typically based. When they were faced with restrictions, Zionist leaders often pointed to 'the central position which immigration occupies in our programme of work for the development of Palestine'.¹⁶ There was a considerable basis for this belief, as contacts between local Arab peasants and existing Jewish agricultural 'colonies', which were established during the first and second *aliyah*, were said to have encouraged the development of nearby Arab agriculture. After Samuel's first visit to Palestine in February 1920, he concluded that

The most hopeful feature in the situation lies in the fact that there is no antipathy, and remarkably little friction [between them]... their relations, as a rule, are excellent. The Arab villagers know that they have been able to improve their methods of cultivation owing to the object-lessons furnished by the Jewish colonies. They know that there is more employment in the districts where these colonies have been founded, and that they themselves are in better circumstances than the Arabs in other districts that have been left undeveloped.¹⁷

The British government clearly hoped that the presence of Jewish immigration would provide a natural stimulus to Oriental 'ignorance' and cause them to 'modernise' their ways of

¹⁵ Mossek, *Palestine Immigration Policy*, p42-3; Atran, 'The Surrogate Colonisation of Palestine', pp.720-1.

¹⁶ Zionist Organisation to Churchill, 10 May 1921, FO 371/6382

¹⁷ Samuel to Curzon, 2 April 1920, MECA, GB165-0252.

cultivation, which would in turn promote a more economic use of land and encourage greater prosperity. In this light, Samuel could also take encouragement from the fact that Jewish

Colonists have numerous connections with the Arab world, especially among the fellahen who always come to them for advice and guidance. It is the duty of the Zionists in Palestine to take the Arab movement seriously and to try and establish friendly relations with the Arab community on the basis of honest co-operation. This is possible and a great service would be thus rendered to the cause of civilisation in the Near East.¹⁸

This illustrates how the developmental aspect of trusteeship permeated early considerations of immigration. The justification for facilitating Jewish immigration was never solely about establishing a Jewish national home. The influx of immigrants and capital was expected to drive economic development and help the 'static' Oriental population lift itself into the 'modern' world.

In these terms, the commitment to facilitate immigration was a 'positive' aspect of mandatory rule. Yet such changes did have the potential to undermine the economic position of the 'non-Jewish' communities in Palestine. In April 1934, the Colonial Office elaborated on the developmental and protective aspects of trusteeship in relation to immigration by suggesting that the key premise was to not place 'greater obstacles in the way of Jewish immigration than are absolutely necessary for the purpose in view':

Our policy hitherto has been to leave the development of the Jewish National Home (which is the main factor in the development of Palestine) to the Jewish people themselves; the part of the Government being, in the words of the Mandate, "to place the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home", and to apply the brake when necessary in the interests of the other inhabitants of Palestine.¹⁹

From the very beginning of the civil administration, the decision on when to 'apply the brake' was conceived in economic terms. The Colonial Office and the mandatory administration were particularly keen to avoid using political considerations to regulate immigration except in times of major crisis, such as during outbreaks of rioting when immigration was typically suspended. A political method of regulating immigration was avoided because it was clearly more complicated and liable to become entangled in various protestations by the Arab and Jewish communities. Moreover, the economic basis for immigration connected to the core assumptions that sustained trusteeship: that the Palestinian Arabs did not require political

¹⁸ Samuel to Curzon, 2 February 1920, MECA, GB165-0252.

¹⁹ Downie, 'Memorandum on Immigration into Palestine', April 1934, CO 733/255/3.

rights of national self-determination but that their economic position in Palestine needed to be protected, and that Zionist settlement would drive economic growth and mitigate any tensions regarding the establishment of the Jewish national home. The capacity of Palestine for immigration was linked to the limits imposed by the economic ability of the country to absorb new immigrants. The economic considerations that went in to regulating immigration have been described as 'political tools' designed to provide a facade of legitimacy to the system, but this chapter will emphasise that those considerations were a fundamental part of the immigration process that provided colonial officials with both legitimacy and a method of regulation.²⁰

Developing an Immigration System: 1920-21

The transition to a civil administration in July 1920 required the question of a general immigration policy to be considered for the first time. The principles of trusteeship ran strongly through the very first proposals made by Samuel, which were influenced by the fact that Palestine was suffering from an acute shortage of labour following the privations of the First World War. Any capital investment by the mandatory administration or the Zionist Organisation was likely to see the demand for labour increase considerably; Samuel warned the Foreign Office that 'if immigration is not permitted the economic development of the country will be retarded'.²¹ Albert Hyamson, who became director of immigration, explained in his account of the mandate that, as Palestine was 'under-populated', immigration 'would bring only benefit and no harm to the country'.²² This connection between immigration and economic development was established early by colonial officials as it was understood that Palestine would not attract significant British investment.²³ At the first meeting of his advisory council in October 1920, Samuel explained that

Immigrants, mostly Jews, are now arriving at the ports, and they are finding employment in the building of roads and in the redemption of land previously derelict. Their presence is thus not only no detriment to the interests of the existing population but of direct advantage to them, by increasing the resources and prosperity of the country. It is an illustration of the fact that the process of the establishment of the Jewish national home will benefit and not injure the non-Jewish population.²⁴

²⁰ Smith, *The Roots of Separatism*, p.68.

²¹ Samuel to Foreign Office, 16 June 1920, FO 371/5183.

²² Albert Hyamson, *Palestine under the Mandate*, (London, Methuen & Co., 1950), p.52.

²³ Smith, *The Roots of Separatism in Palestine*, pp.19-36.

²⁴ Speech made by Samuel at the First Meeting of the Advisory Council, 6 October 1920, FO 406/44.

Early immigration was therefore justified through the perceived 'dereliction' of Palestine, but Samuel's remarks also demonstrate the prominence of the link between economic growth and immigration. Whilst the initial system through which immigrants began to arrive in Palestine was relatively simple compared to later iterations, the idea that carefully managed immigration would be of significant economic benefit to Palestine's 'non-Jewish' population remained a constant feature of British attempts to facilitate Jewish immigration under trusteeship between 1920 and 1936.

The immigration system in operation under the military administration was primarily restrictive: general immigration was prohibited under the principle of maintaining the status quo. Temporary permits were, however, issued to three classes of immigrants: 'expert advisers' for the military administration or the Zionist Commission; representatives of prominent commercial firms; or those who needed to visit Palestine for political, financial, or journalistic reasons.²⁵ After the San Remo Conference in April 1920, where it became clear that Britain would maintain some form of control over Palestine, the Foreign Office, which administered Palestine until it was transferred to the Colonial Office after the Cairo Conference in March 1921, decided that a limited number of skilled Jewish workers should be given visas in anticipation of a more general immigration policy. From Cairo, General Allenby explained that Palestine could only absorb around one hundred immigrants a month due to political and economic considerations, but this approximation went unheeded by British consuls, who were also giving visas to unskilled workers.²⁶ A Foreign Office estimate put the number of Jewish immigrants that entered Palestine between December 1919 and September 1920 at 6,500 – significantly higher than Allenby's recommendations – but suggested that only 1,290 had found employment.²⁷ The incoming civil administration sought to regulate 'undesirable' entry as soon as possible by establishing a new system of regulations.

An Immigration Ordinance came into effect on 1 September 1920. It authorised entry to Palestine under four categories: immigrants whose livelihood was guaranteed by the Zionist Organisation; persons of independent means; persons of religious occupations who were self-supporting; and dependants of those already resident in Palestine.²⁸ Two key principles underpinned this system: the first was a need to attract immigrants with capital to

²⁵ 'Military Regulations Governing Admission of Civilians into Palestine', 1 June 1920, FO 371/5183.

²⁶ Allenby to Curzon, 20 April 1920, FO 371/5183.

²⁷ Foreign Office Minute, 9 November 1920, FO 371/5185.

²⁸ Storrs to Curzon, 11 August 1920, FO 371/5184.

accelerate economic growth; if sufficient evidence could be provided, the mandatory administration would issue unlimited certificates under the independent means category.²⁹ The second principle allowed the Zionist Organisation to choose the immigrants that it would 'sponsor' for a year whilst they found employment in Palestine, although British consuls were able to declare the proposed immigrant to be 'undesirable'.³⁰ Co-operation with the Zionist Organisation was regarded as the most efficient way of facilitating Jewish immigration outside of the independent means category: the British hoped that the vested interests of the Zionist Organisation would ensure that only the 'best' immigrants were selected to form the nucleus of the national home. This grant of autonomy connected to the indirect approach that Britain took towards the *yishuv* and its obligations to facilitate Jewish immigration. However, it also formed a crucial part of the wider thinking on trusteeship for Palestine, where the corollary effect of this 'superior' quality immigration would be its contribution to economic growth through 'advanced' agricultural enterprises and the import of capital to increase development.

Labour immigration was to be facilitated by a quota system. On a bi-annual basis, certificates would be given to the Zionist Organisation for distribution amongst European Zionist Offices. This gave it significant control over shaping the nature of Jewish immigration into Palestine, but it only held an advisory role in determining the number of certificates to be issued.³¹ The initial regulations reflected the early hopes of the Zionist movement that significant resources would be put at its disposal from world Jewry and that mass immigration would be a viable strategy from the very beginning of the mandate. In 1919, for example, Chaim Weizmann spoke of Palestine eventually absorbing four or five million Jews, with an annual rate of immigration rapidly rising to at least 70,000.³² Such an influx would have required substantial finance. Weizmann's initial estimate of the capital that would be made available to the Zionist project was around £2 million, but this was confidently revised in 1921 to £5 million over a three-year period.³³ In accordance with these optimistic aspirations, the mandatory administration fixed the first annual quota for Jewish immigrants at 16,500 heads of families.³⁴ However, Weizmann's estimates of Zionist finances were reliant on large donations from American Jews who, in turn, were shocked by

²⁹ Spencer, 'Memorandum on Visas for Palestine', 3 August 1920, FO 371/5184.

³⁰ Ibid.

³¹ Samuel, 'Memorandum on Immigration into Palestine', and Foreign Office Minutes, 5 July 1920, FO 371/5183.

³² Smith, *The Roots of Separatism in Palestine*, p.64.

³³ Weizmann 'Memorandum on the New Phases of Jewish Activity in Palestine', 17 August 1921, CO 733/15.

³⁴ Minute by Parkin, 22 October, 1920, FO 371/5185.

the 'astronomical figure' Weizmann was assuming would be made available. In the end – much to the chagrin of Weizmann, as he believed that American Jews were amassing 'considerable wealth' – they could not guarantee any more than £100,000.³⁵ This disappointment overshadowed Zionist efforts throughout the early 1920s, as it meant that financial responsibility could only be assumed for a fraction of the immigrants proposed in the initial schedule.

In an admission to the Foreign Office in October 1920, a defiant Leonard Stein, the acting political secretary of the Zionist Organisation, revealed the financial difficulties that it was experiencing. He accused British consuls in Europe of allocating too many immigration certificates, which had excessively consumed Zionist resources, and suggested that a lack of public works undertaken by the mandatory government meant that the Zionist Organisation preferred to 'proceed by gradual stages' in establishing the national home. He requested that the annual quota of Zionist-sponsored immigrants be reduced to 1,000 individuals, excluding their families, and that no additional certificates be issued until further notice. Finally, he explained that financial responsibility could not be accepted for immigrants who had not been vouched for by authorised Zionist representatives.³⁶ It soon became apparent that attempts to restrict immigration by adapting a system that was designed to facilitate large scale immigration would fail. In December 1920 alone, 1,135 immigrants arrived in Palestine carrying certificates with Zionist sponsorship, demonstrating that the Zionist Organisation could not exercise enough control over its local offices which continued to encourage immigration by any means possible.³⁷

The failure of the Zionist Organisation to raise sufficient funds for the economic integration of new immigrants created a need to make restrictive changes to the immigration system, particularly as the majority of new immigrants who arrived in Palestine were from Eastern Europe and without independent means of supporting themselves.³⁸ The catalyst for an overhaul came with the outbreak of the Jaffa riots in May 1921.³⁹ The Jewish groups involved in the initial demonstrations that caused the disturbances were composed of new

³⁵ Chaim Weizmann, *Trial and Error: the autobiography of Chaim Weizmann*, (New York, Schocken Books, 1966), p.262.

³⁶ Stein to Foreign Office, 18 October 1920, FO 371/5185.

³⁷ Samuel to Foreign Office, January 1921, FO 371/6382.

³⁸ Jews from Eastern Europe constituted the vast majority of immigrants into Palestine. Over the 1922-29 period, 78% of immigrants were from Eastern Europe, see Chancellor to Passfield, 15 February 1930, CO 733/188/2.

³⁹ 'Reports of the Commission of Inquiry into the Disturbances in May, 1921', Cmd. 1540, (London, HMSO, 1921), pp.22-6.

immigrants and Arab anger in Jaffa was symbolically focused toward the Immigrant Hostel. The high commissioner temporarily suspended immigration on 13 May in an attempt to defuse tensions and prevent any further outbreaks of violence, which left hundreds of immigrants stranded en route.⁴⁰ Whatever immediate provocation there may have been from Jewish demonstrations, it is certain that Churchill's flying visit to Palestine in March 1921 had increased tensions. In Cairo, he refused to receive a delegation of Palestinian Arabs but assented to an unofficial meeting in Jerusalem. The Arabs asked for the abrogation of the Balfour Declaration and the establishment of full self-government in Palestine, but Churchill replied that 'it is not in my power to do so, nor if it were in my power would it be my wish', citing the need for a long-term British presence in Palestine in order to carry out the obligations of trusteeship.⁴¹

The riots were a particular setback for the mandatory administration, especially as the festival of Nebi Musa in April, which was viewed as far more likely to culminate in an outbreak of disorder, had passed by peacefully.⁴² The disorder highlighted the prevailing need to make changes to the immigration system, but the British interpretation of the May Day riots did not conceive of Jewish immigration as a major cause in itself. Instead, attention was directed to the regulations that governed immigration and how, in practice, they had not excluded political 'undesirables'. In his assessment of the riots, Samuel explained to the Colonial Office that a small percentage – 'probably about two per cent' – of the 9,500 immigrants that entered Palestine between September 1920 and April 1921 were 'Bolshevists' and had formed themselves into groups for the purpose of causing public agitation. The main problem, in Samuel's view, was that 'the Arab population does not distinguish between this group and the bulk of the immigrants, and is inclined to the conclusion that Zionism must necessarily mean the importation into their country of the least desirable elements of Eastern Europe'. However, Samuel was keen to stress that opposition to immigration on grounds of political principle was a view 'held by comparatively few persons'; he resorted to a stock explanation for colonial disorder by suggesting that the trouble was 'fostered by agitators from outside the country, whose activities are difficult to

⁴⁰ Samuel to Churchill, 13 May 1921, FO 371/6382.

⁴¹ Churchill to Arab Delegation, 28 March 1921, CO 733/2.

⁴² 'Report on Political Situation in Palestine, April 1921', 9 May 1921, CO 733/3.

detect, but who are believed to be at work stimulating whatever causes of trouble may exist'.⁴³

These perceptions formed the context for Samuel's ideas in re-shaping the immigration system. The riots did not diminish British support for immigration or the place that it held under trusteeship as a key measure for development. Arab hostility to Jewish immigration was primarily explained in terms of fears surrounding increased competition for jobs which had been exacerbated by a radical minority of 'un-absorbed' immigrants, which was a more reassuring conclusion for colonial officials to reach.⁴⁴ British officials perceived opposition to immigration in economic, not political terms. Samuel's immediate action was to deport the 'undesirable' persons that had infiltrated the country and maintain the suspension of immigration whilst enacting some interim changes to the system. He had two conditions that needed to be met before he would countenance resuming immigration. Firstly, the employment with which immigrants were to be engaged should be ready before their arrival, reducing economic fears; and, secondly, much stricter control needed to be exercised over the selection of immigrants at their point of departure to ensure the exclusion of those who might cause public agitation. A parallel measure at this point, which was discussed in the previous chapter, was the proposal to establish a measure of self-government.⁴⁵ These changes reflected the failings of the Zionist Organisation to gain sufficient resources to support the integration of all new immigrants.

Following the May Day riots, Samuel used the King's birthday speech, which had in the previous year been full of optimism, to re-iterate the basic ideas on which British rule in Palestine was based:

Let me, in the first instance, refer once more to the unhappy misunderstanding that has existed with reference to the phrase in the Balfour Declaration, "the establishment in Palestine of a National Home for the Jewish people". I hear it said in many quarters that the Arab population will never agree to a Jewish Government being set up to rule over the Moslem and Christian majority. People say that they cannot understand how it is that the British Government, which is famous throughout the world for its justice above all things, could ever have consented to such a policy. I answer that the British Government, which does indeed care for justice above all things, has never consented and never will consent to such a policy. This is not the meaning of the Balfour Declaration.⁴⁶

⁴³ Samuel to Churchill, 8 May 1921, CO 733/3.

⁴⁴ See 'Reports of the Commission of Inquiry into the Disturbances in May, 1921', p.52.

⁴⁵ Samuel to Churchill, 8 May 1921, CO 733/3.

⁴⁶ Speech made by Samuel on the King's Birthday, 3 June 1921, CO 733/3.

Here Samuel offered an important clarification of the Balfour Declaration in the hope of allaying 'misplaced' Arab fears over the nature of Jewish immigration. This connected to one of the main assumptions which sustained trusteeship; namely that Zionist settlement would not be detrimental to British notions of Arab interest if it was properly managed. Samuel continued by re-affirming the central place of immigration in the future of Palestine:

It may be that the translation of the English words into Arabic does not convey their real sense. They mean that the Jews, a people that are scattered throughout the world but whose hearts are always turned to Palestine, should be enabled to found here their home, and that some among them, within the limits that are fixed by the numbers and interest of the present population, should come to Palestine in order to help by their resources and efforts to develop the country, to the advantage of all the inhabitants.

Trusteeship formed an underlying theme throughout the speech. Samuel continued by suggesting that 'the British Government, the trustee under the Mandate for the happiness of the people of Palestine would never impose upon them a policy which the people had reason to think was contrary to their religious, their political, and their economic interests'.⁴⁷ This highlighted the strong belief that British colonial officials held in their own sense of justice and impartiality. These principles extensively informed the ethos of trusteeship and were instrumental in allowing colonial officials to justify their position in Palestine.

The protective aspect of trusteeship was especially prominent in Samuel's speech. His proposal that immigration would be 'fixed by the numbers and interest of the present population' implied a more rigorous assessment of how it would be facilitated in the future by a closer examination of the conditions in Palestine. Any future British commitment to immigration could only come with stricter controls to ensure that immigrants would easily integrate into existing economic structures without causing agitation, and this meant elaborating on the simplistic categories through which immigrants had been able to enter the country. Samuel transmitted his proposed set of new interim regulations to the Colonial Office in July 1921, which increased the visa categories from four to seven:

- (a) Travellers, i.e. people who do not intend to settle in Palestine and whose stay will not exceed three months.
- (b) Persons of independent means.
- (c) Members of professions who intend to follow their calling in Palestine.
- (d) Wives, children and other persons wholly dependent on residents of Palestine.
- (e) Persons who have a definite prospect of employment with specified employers, or enterprises.

⁴⁷ Ibid.

- (f) Persons of religious occupations, including the class of Jews who have come to Palestine in recent years from religious motives and who can show that they have means of maintenance here.
- (g) Returning residents.⁴⁸

The most significant change was the removal of the category through which immigrants had previously entered the country under the sponsorship of the Zionist Organisation, which was instead replaced with the new category 'E' of persons who had a 'definite prospect of employment'.

Samuel also drafted new instructions to be issued to British Passport Officers abroad. He accused them of 'laxity' in carrying out the old instructions by issuing certificates to immigrants 'recommended' by local Zionist offices who had not actually been guaranteed by the Zionist Organisation or not carrying out sufficient investigation into those with independent means, as many had arrived in Palestine with 'little or no means' and without any prospect of employment awaiting them.⁴⁹ Oversights by British consuls abroad would become a recurring problem for the mandatory administration, particularly when changes were made to Palestine's immigration regulations. Samuel's complaints reflected British concerns over the fact that a large number of immigrants had failed to find employment and 'integrate' into the Palestinian economy. The new regulations significantly increased the supervisory role played by the Department of Immigration and Travel in Jerusalem as immigrants would require prior approval from it. For those with independent means, a minimum figure was established with passport officers to ensure that applicants had an assured annual income of at least £80 or capital of £500.

The 1922 White Paper and Economic Absorptive Capacity

Following Samuel's speech on the 3 June, the centre of decision-making on immigration policy for Palestine moved from Jerusalem to London for the next year until the White Paper of June 1922 was issued. The shift of focus meant that the Zionist Organisation, which had maintained good relations with the Colonial Office throughout the May Day riots, could exert its influence on the formation of policy. The Colonial Office was particularly keen to ensure Zionist goodwill after the sudden suspension of immigration had left hundreds stranded at European ports.⁵⁰ In an effort to counter the access that the Zionist Organisation had to the policymaking process, in June 1921 the Fourth Palestine Arab Congress elected to send a

⁴⁸ Samuel to Churchill, 16 July 1921, CO 733/4.

⁴⁹ Ibid.

⁵⁰ Zionist Organisation to Colonial Office, 16 May 1921, FO 371/6382.

delegation, headed by Musa Kazim Pasha, a prominent member of the al-Husseini family, to London to present the Palestinian Arab view to the British government. From the volume of diplomatic contact with the Zionist Organisation, principally through Weizmann who had returned to London early from a fundraising trip in the United States, it is evident that British officials wanted to fashion some form of agreement on Samuel's proposals before the Arab delegation arrived in London during August. Weizmann approved of the new scheme, but he expressed reservations over having to refer all category 'E' applications to Jerusalem, which he believed would significantly hamper the immigration process.⁵¹ The Colonial Office agreed that the volume of anticipated applications would make the system impractical and unwieldy.⁵² After some objection, Samuel finally acquiesced to pressure from the Colonial Office to restore the Zionist Organisation to its role in selecting 'guaranteed' immigrants for Palestine without reference to the mandatory administration.⁵³

The restoration of this role was a significant success for the Zionist Organisation. However, the Colonial Office stated that it was only willing to countenance it if the Zionist Organisation could demonstrate that previous oversights would not be repeated. It emphasised that future immigrants would have to be politically and socially 'suitable' as settlers with the necessary physical and technical skills to successfully integrate into the Palestinian economy.⁵⁴ These prerequisites caused an apprehensive Zionist Organisation to prepare a substantial memorandum reviewing its immigration policy in a bid to strengthen British confidence in its ability to regulate responsible immigration.⁵⁵ Not for the first time, the diplomatic skill of Weizmann was a significant advantage for the Zionist Organisation and during a conference at the Colonial Office in November 1921, he seemed to restore British confidence by suggesting that, whilst it would be impossible to exclude all 'undesirables' from Palestine, the Zionist Organisation would be able to perform this duty more efficiently than any government and even offered the mandatory administration assistance in vetting 'non-guaranteed' Jewish immigrants.⁵⁶

After reaching a significant degree of consensus with the Zionist Organisation, the Colonial Office sought to reach a similar accord with the Arab delegation that had arrived in

⁵¹ Churchill to Samuel, 30 August 1921, CO 733/4.

⁵² Colonial Office Minute, 5 September 1921, CO 733/6.

⁵³ Samuel to Churchill, 21 September 1921, CO 733/6.

⁵⁴ Colonial Office Minute, 20 October 1921, CO 733/6.

⁵⁵ Weizmann, Memorandum on Jewish Immigration into Palestine, 22 November 1921, CO 733/16.

⁵⁶ Minutes from conference held at Colonial Office on Jewish immigration into Palestine, 25 November 1921, CO 733/16.

London during August. The delegation, consisting of six Muslim and three Christian members elected by the Palestine Arab Congress, had not been invited to come to London. The congress was based on a network of Muslim-Christian Associations and enjoyed a broad degree of popular support, yet the Colonial Office consistently refused to accept its legitimacy, suggesting that as representative institutions had not been established in Palestine, it could not speak for the Muslim and Christian communities of Palestine and that because of that the colonial secretary could only meet with the Arab delegation in an unofficial capacity.⁵⁷ British officials proposed to hold a series of informal meetings to obtain a 'working agreement' over immigration.⁵⁸ Such a stance corroborated the opinion of the Arab community that it did not enjoy the same level of political access to the British government as the Zionist Organisation. British hopes for pragmatic negotiations were soon quashed when the delegation refused to meet with any member of the Zionist Organisation, stating that they did not recognise it, and issued their own set of national demands based on the McMahon-Hussein correspondence and the Anglo-French Declaration of 1918.⁵⁹

After two unsuccessful meetings, during which the Arab delegation refused to abandon their initial position, Sir John Shuckburgh composed a scathing memorandum on British relations with the Arab delegation. He wrote that 'all endeavours to bring them down from the region of high policy, (which, as they have been told over and over again is *chose jugée*) and to induce them to discuss practical details have been attended with very little success'; his language throughout seemed to suggest that he was dealing with a petulant child, rather than a delegation on a political mission. He continued by describing the delegation as 'a hopeless body to deal with' and that its members were 'very slow of understanding, and probably rather suspicious of one another. At any rate they will never commit themselves to anything in the course of conversation'. The refusal to discuss 'practical details' seemed a particular affront to Shuckburgh, and provided further evidence of the political immaturity of Arabs. Convinced of the necessity for British trusteeship over Palestine, he suggested that what the Arabs needed was the 'advice of a helping power' for a substantial period of time, not full self-government. Despite the Arab delegation's intransigence, Shuckburgh concluded that 'being Orientals, they will understand an order;

⁵⁷ Shuckburgh, Memorandum on Palestine, 7 November 1921, CO 733/15. See also Khalidi, *The Iron Cage*, p.42.

⁵⁸ Report of conversation between Churchill and Arab delegation, 12 August 1921, CO 733/17.

⁵⁹ See, for example, Palestine Arab Delegation to Churchill, 12 August 1921, CO 733/14.

and if once they realise that we mean business, may be expected to acquiesce', echoing the Orientalist stereotype that Arabs responded well to a 'firm hand'.⁶⁰

Instead of terminating the talks, the Colonial Office decided to make a final attempt to bring all the parties together for an informal meeting. On the 29 November 1921, the Zionist Organisation and Arab delegation met under Shuckburgh's chairmanship, but the encounter quickly dissolved into an unproductive argument. Weizmann called for co-operation for the purpose of developing Palestine, whilst Musa Kazim Pasha rejected any form of discussion that had Arab acceptance of the Balfour Declaration as its starting point.⁶¹ This failure reinforced Shuckburgh's belief that a 'working agreement' could not be reached on the basis of the Balfour Declaration as it was currently understood by both Jews and Arabs. He explained that 'the policy which we are pursuing is not inconsistent with the claims and interests of both sides; but our inability to convince either party handicaps our action at every time'.⁶² This demonstrated the British belief that trusteeship could advance both sides' interests simultaneously by ensuring that Jewish immigration was not detrimental to the economic position of the Arab population. Their political claims of national self-determination, on the other hand, could be dismissed, which meant that Britain resorted to making its own statement of policy on the matter.

The decision to make a unilateral policy announcement would have inevitably brought the negotiations in London to an end, but the Colonial Office thought it best to keep the Arab delegation 'in play' for as long as possible to avoid disturbances in Palestine over the turbulent Easter period when disorder from religious demonstrations was deemed most likely to occur.⁶³ The statement of policy was a collection of correspondence and statements from the negotiations of the past year collected together to form the basis of a white paper that defined future policy in Palestine. It built on the principles laid down by Samuel's speech on 3 June 1921, but its most important part was a statement made by Churchill to the Zionist Organisation. This began by repeating Samuel's clarification of the Balfour Declaration by suggesting that Arab apprehensions were based on an 'exaggerated' interpretation of its meaning and, instead, explained that the 'terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but

⁶⁰ Shuckburgh, Memorandum on Palestine, 7 November 1921, CO 733/15.

⁶¹ Note on a meeting between Arab Delegation and Zionist Organisation by Mills, CO 537/855.

⁶² Shuckburgh, Memorandum on Palestine, 7 November 1921, CO 733/15.

⁶³ Colonial Office Minute, 5 April 1922, CO 733/36.

that such a Home should be founded *in Palestine*'.⁶⁴ This was a specific attempt to mitigate some of the provocative and 'unauthorised' claims made by Zionist leaders that Palestine was to become as 'Jewish as England is English', and amounted to an acknowledgment of the need to allay Arab concerns and strengthen the foundations of British colonial rule after the May Day riots.⁶⁵ Churchill went on to say that Britain would remain committed to the national home, but that further development of it was not to be understood as

The imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride.⁶⁶

Colonial officials in Palestine also endorsed the clarification that the Churchill White Paper offered; for example, Edward Keith-Roach, who served in the government secretariat and as district commissioner of Jerusalem, wrote in his memoir that, as Britain had been 'entrusted with the protection of Arab as well as Jewish interests... [the Balfour Declaration] did not mean that the purpose in view was to create a wholly Jewish Palestine. It did not contemplate the subordination of the Arab population, language, or culture'.⁶⁷ Keith-Roach was, of course, careful to avoid mentioning Arab political rights but his sentiments reflected the general British assumption that a Jewish settler movement in Palestine, installed through the practices of colonisation, would, through its 'modern' and 'advanced' nature, promote the economic development of Palestine.

For this development to take place further migration was judged necessary but the protective aspect of trusteeship placed an obligation on British officials to facilitate immigration more carefully:

For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment.⁶⁸

⁶⁴ 'Palestine. Correspondence with the Palestine Arab Delegation and the Zionist Organisation', June 1922, Cmd. 1700, (London, HMSO, 1922), p.18.

⁶⁵ See Edward Keith-Roach, *Pasha of Jerusalem: Memoirs of a District Commissioner under the British Mandate*, (London, Radcliffe Press, 1994), pp.95-6.

⁶⁶ 'Palestine. Correspondence with the Palestine Arab Delegation and the Zionist Organisation', p.19.

⁶⁷ Keith-Roach, *Pasha of Jerusalem*, pp.95-6.

⁶⁸ 'Palestine. Correspondence with the Palestine Arab Delegation and the Zionist Organisation', p.19.

Trusteeship entailed an obligation to consider the economic interests of Palestine as a whole, which is why the link to capacity was made so explicit. It was believed that unemployed Jewish migrants held the most potential for causing economic problems for both Arabs and Jews, and would also undermine the development of the national home. This principle formed the starting point for all future policy on immigration from 1922 to 1936, but it was not a sudden departure from established practice. Churchill's statement, which was most likely drafted by Shuckburgh, was an articulation of the practice of British rule in Palestine that had developed over the previous two years, which had already established economic criteria as the main form of regulation for immigration.

The two principles that formed the basis of the initial system – to allow immigrants with sufficient capital to enter freely and the decision to give the Zionist Organisation a significant level of authority over the immigration process – were carried over in Samuel's interim measures but the White Paper stipulated a greater recognition of the need for regulation. Attracting Jewish immigrants with capital was deemed to be self-sustaining because they could use their financial means to establish themselves in industry, agriculture, or commerce, and then create jobs for others and contribute to economic growth. After the 1922 White Paper, it was decided to establish a minimum requirement of capital: £500 for those who wished to follow commercial or agricultural enterprises or £250 for industrial activities.⁶⁹ The restoration of the role that the Zionist Organisation had previously played in a new 'rationing' system was, in the end, deemed the most efficient way 'of introducing into the country immigrants of real utility'.⁷⁰ After hesitation over whether the organisation should regain this role, the British rationale behind this move was pragmatic; it was decided that the Zionist Organisation was best placed to ensure that 'each immigrant should be socially, morally and physically qualified to take his part eventually in the citizen life of Palestine'.⁷¹

Both of these principles were tied to the concept of economic capacity. However, the concept held most relevance for those immigrants that the Zionist Organisation would sponsor under the 'rationing' scheme, known as the labour schedule. In the inter-war period, nearly half of the Jewish immigrants who entered Palestine did so through this system, which

⁶⁹ See, for example, 'Control of Immigration into Palestine', 21 February 1923, CO 733/54.

⁷⁰ Churchill to Samuel, 21 March 1922, CO 733/36.

⁷¹ Churchill to Samuel, 7 September 1922, CO 733/31.

underscored the importance of British regulation of it.⁷² The half-yearly schedules were prepared by the immigration department after a period of consultation with various mandatory government departments and Zionist bodies to ascertain the economic state of the country and the number of labour immigrants that the Zionist Organisation believed it could afford to settle under those circumstances. The chief immigration officer would then recommend the number of certificates he felt it was appropriate to issue and the high commissioner would make his decision.⁷³ Yet the calculations were often short-sighted: the main considerations that went into working out the size of the labour schedule were the rate of unemployment in the *yishuv* and the prospects of short-term economic growth. Longer-term trends and forecasts were ignored, as was Arab unemployment, and any consideration of the political effect that immigration might have.⁷⁴

In her account of British economic policy under the mandate, Barbara Smith suggested that 'the concept of economic absorptive capacity was essentially a political tool; a useful slogan purporting to show HMG's concern for the protection of Arab interests'.⁷⁵ However, rather than simply being a 'useful slogan' to make a gesture towards the protection of Arab interests, economic capacity was seen as the best measure available to facilitate future immigration under the imperatives of trusteeship. Smith's suggestion was predicated on the fact that when calculating the economic capacity of Palestine, only the rate of employment and unemployment for the Jewish community were taken into consideration, suggesting that Britain pursued a pro-Zionist policy to the detriment of the Arab community. Yet it is better to see the importance attached to Jewish unemployment in terms of the relative unimportance given to Arab unemployment. This disparity was fuelled not only by general cultural images of 'advanced' Jews and 'backward' Arabs and their asymmetric places within the dual economy, but was also actively promoted by the Zionist movement. In his account of the mandate, Hyamson noted that 'Arab employment or unemployment was not taken into consideration since the Zionist contention, which was accepted, was that Jewish workers only could be expected to be employed on Jewish undertakings'.⁷⁶

When assessing unemployment in Palestine during difficult worldwide economic conditions in August 1923, Hyamson explained that, although 3,000 men were unemployed it

⁷² Metzger, *The Divided Economy of Mandatory Palestine*, p.75.

⁷³ Note by Mills on the labour schedule, undated, CO 733/31.

⁷⁴ Morris, Memorandum on Unemployment, 17 August 1923, CO 733/48.

⁷⁵ Smith, *Roots of Separatism*, p.68.

⁷⁶ Hyamson, *Palestine Under the Mandate*, p.55.

was imperative to differentiate between the two communities. As colonial officials saw it, the 'traditional' structure of Arab society meant that Arab unemployment or underemployment could reasonably be overlooked when calculating the economic capacity of the country. The vast majority of the Arab population consisted of the rural peasantry engaged in subsistence agriculture (*fellahin*) with a minority of urban landowners or merchants (*effendis*).⁷⁷ Because of this, Hyamson could comment that 'men in the Arab villages always seem to find means of support', suggesting that Arab employment was rooted in the 'traditional' patterns of seasonal employment and the vagaries of the agricultural cycle.⁷⁸ On the other hand, Jewish unemployment was given far more emphasis. Despite stressing that he took a 'purely economic view' of unemployment, Keith-Roach suggested that the 'Jews are essentially a town dwelling people and do not generally take kindly to an agricultural life' and, despite Zionist ideals to the contrary, concluded that 'environment cannot change national characteristics!'.⁷⁹ The view that Jews were an urban people was a pervasive one among colonial officials; it followed that the tendency for Jewish immigrants to concentrate in towns meant that seasonal changes had far less impact than wider economic forces, which made the Jewish community far more vulnerable to unemployment. Hyamson added that as all Jews were 'townsmen', when they were unemployed they were in 'dire need' and would struggle to survive.⁸⁰ Looking back to the causes of the May Day Riots and the pre-occupation that unemployed immigrants inspired unrest, Keith-Roach ruminated that 'I will not have to dwell on the undesirability... of having immigrants wandering about without proper means of sustenance'.⁸¹

These images were a prominent part of a British mentality that gave far greater weight to Jewish unemployment when calculating the economic capacity of Palestine. The differing views of the two peoples also provide a useful illustration of how cultural stereotypes could override specific instances that provided potential counter-examples. For example, the view that Jewish unemployment had to be taken more seriously was predicated on a belief that the 'urban' nature of Jews meant that they would suffer the consequences of unemployment more acutely. This was in spite of the fact that Jewish immigration to Palestine was composed of immigrants from a variety of different nations, classes, and occupations; many of whom did

⁷⁷ In 1880, the proportion of rural peasants peaked at 79 percent. In the mandate period, it never fell below 64 percent. See Metzer, *The Divided Economy of Mandatory Palestine*, pp.8-9.

⁷⁸ Hyamson, 'Memorandum on Unemployment', 9 August 1923, CO 733/48.

⁷⁹ Edward Keith-Roach, 'Memorandum on Unemployment in Palestine', August 1923, CO 733/48.

⁸⁰ Hyamson, 'Memorandum on Unemployment', 9 August 1923, CO 733/48.

⁸¹ Edward Keith-Roach, 'Memorandum on Unemployment in Palestine', August 1923, CO 733/48.

establish themselves on the land in agricultural colonies that mandatory officials even suggested were 'a great advance on the Arabs'.⁸² Keith-Roach's remark on changes to environment not being able to change national characteristics demonstrates how general cultural images overrode the particular in colonial officials' thinking. In a similar fashion, the lack of importance attached to Arab unemployment was derived from the view that the 'traditional' nature of Arab society separated it from the vagaries of the 'modern' world. Such a narrow perspective found it difficult to accommodate the extent to which economic changes wrought under mandatory rule, such as dramatic rises in the price of land through Jewish purchases, affected these cyclical patterns of work when, for example, indebted rural Arabs sold their land to pay off debts and then migrated to the towns in search of other work. The result of this perspective was that the negative effects of economic growth within the *yishuv* were divorced from their impact on the Arab community. This was acceptable during the early years of the mandate when the *yishuv* was comparatively small and its economic influence on the Arab community was minimal, but as it grew in size and its economy began to have a larger effect on the Arab community, the mandatory administration was forced to re-evaluate the workings of the immigration system.

Boom and Bust: Jewish Immigration during the 1920s

The British emphasis on economic capacity meant that the rate of labour absorption within the Jewish economy was a paramount concern for the Zionist movement. The structure of the Jewish element of Palestine's dual economy was particularly important for the Zionist Organisation, which sought to promote industries that had the best potential for higher levels of employment. Typically, agricultural settlement was seen as the most efficient means of absorbing immigration as it required smaller investments in capital and training, and less time to start up than manufacturing. The major form this took was labour-intensive citrus cultivation, which formed around 30 per cent of Jewish cultivated land and accounted for just over a third of Jewish agricultural output in the early 1920s; it rose to three quarters in the mid-1930s, and provided nearly half of all Jewish agricultural employment.⁸³ The emphasis on agriculture had a further dimension in Zionist thinking that was typified by the colonies of the *kibbutz* and *moshav* movements. They would establish the territorial basis of the national home, but also complete a 'return' to the land that would forge a 'new' type of Jew.

⁸² Ibid.

⁸³ Metzger, *The Divided Economy of Mandatory Palestine*, pp.146-9.

Despite the prime position that agriculture held in Zionist ideology, the 'modernised' nature of the *yishuv*'s economy meant that during the 1920s it supplied just over a quarter of all Jewish employment. The service industry was by far the largest sector providing nearly half of all jobs, whilst manufacturing represented around 17 per cent and construction about 14 per cent.⁸⁴ The predominance of the service sector emerged through three factors: the import of capital, which produced a surplus of imported over exported goods and allowed for a substitution of services and goods in the makeup of domestic production; the Zionist objective of developing public services like education and health through its quasi-state institutions; and the general occupational composition of Jewish immigration that channelled labour to service industries.⁸⁵ The inflow of capital was therefore crucial to the Jewish economy, particularly in the construction sector which was reliant on new immigrants arriving to provide demand for houses that in turn provided jobs for Jews entering Palestine under the labour schedule.

After Weizmann's initial optimism about an annual immigration rate of 70,000, the response from middle-class Jewish communities abroad during the third *aliyah* of 1920-23 had been comparatively unenthusiastic. Many preferred to emigrate to the United States which, in the inter-war period, remained the destination of choice for most Jewish immigrants.⁸⁶ After 1923, two events combined to make Palestine a more attractive destination: a worsening of economic conditions for Jews in Poland, where restrictions were made on employment opportunities, and the establishment of a quota system in the United States that placed heavy limitations on immigrants from Eastern Europe.⁸⁷ Potential immigrants with sufficient capital or an assured source of income could easily enter Palestine under the independent means category, which provided the catalyst for the beginning of the fourth *aliyah* of 1924-29, during which Palestine witnessed a short but intensive period of economic prosperity. In 1924, recorded immigration jumped from an annual rate of around 7,000 to 12,856, then to 33,801 in 1925, before falling back to 13,081 in 1926. In 1925, immigrants with capital outnumbered those who came to Palestine seeking employment under the labour schedule.⁸⁸ Unlike the third *aliyah*, the fourth consisted of a significant

⁸⁴ Metzger, *The Divided Economy of Mandatory Palestine*, p.142.

⁸⁵ *Ibid*, p.143.

⁸⁶ *Ibid*, p.66.

⁸⁷ Smith, *The Roots of Separatism*, p.76.

⁸⁸ 11,794 compared with 10,723. See Sir John Hope-Simpson, 'Palestine, Report on Immigration, Land Settlement and Development', October 1930, Cmd. 3686, (London, HMSO, 1930), p.183.

number of immigrants who came to Palestine because of domestic anti-Semitic and economic pressures.

The marked rise of immigration had a corresponding effect on the flow of Jewish capital into Palestine. Between 1920 and 1923, around £11 million was imported to Palestine, but between 1924 and 1926, this figure rose to over £17 million. With hindsight, Albert Hyamson referred to this wave of immigration as 'top heavy': he explained that 'there was an undue proportion of the smaller middle class – small shopkeepers and even pedlars with an average capital of less instead of more than £500', which again indicated that immigration officials abroad were still not complying fully with the regulations.⁸⁹ The 'top heavy' composition of the fourth *aliyah* meant that new immigrants tended to concentrate in the major urban areas of Palestine – Tel Aviv, Haifa, and Jerusalem.⁹⁰ The increased flow of capital and the pattern of urban settlement created a property 'boom' and Jewish labour was directed to the construction sector of the *yishuv*'s economy to provide for the building demands of the new immigrants. It was estimated that during this period construction and its related industries engaged around 80 per cent of the *yishuv*'s labour force, which demonstrated how the surge in new immigrants altered the composition of the Jewish economy.⁹¹ Generally, the Colonial Office saw the increase of revenue through tax and customs receipts as a sign of progress, but following a visit to Palestine in the spring of 1925, Shuckburgh expressed a cautious note over the imbalanced growth as a threat to the permanent development of the country:

Immigrants come with their £500 or more, buy a plot of land, build a house and then apparently wait for the next lot of immigrants with capital to provide them with employment... Everything appears to depend upon the continuous influx of new immigrants bringing capital with them. Can this be relied upon? If not, I am afraid that sooner or later there may be a bad crash...⁹²

Shuckburgh's warnings illustrate the extent to which trusteeship promoted a concern for the stable development of the *yishuv* so that it would have a positive effect on the dual economy. Other Colonial Office staff shared Shuckburgh's concern at the 'hand to mouth' existence in Tel Aviv and feared a 'dismal slump' if immigration or the import of capital faltered.⁹³ However, British caution did not translate into any effective preventive measures. The labour

⁸⁹ Hyamson, *Palestine Under the Mandate*, p.62.

⁹⁰ Joachim Schlör, *Tel Aviv: From Dream to City*, (London, Reaktion Books, 1999), pp.62-6.

⁹¹ 'Report of the Commission on the Palestine Disturbances of August, 1929', p.105.

⁹² Shuckburgh, 'Memorandum on Jewish immigration', 25 May 1925, CO 733/110.

⁹³ Minutes by Lloyd and Clauson, 24 February 1926 and 2 March 1926, CO 733/124.

schedule, which the mandatory administration held the most direct influence over, was determined by the level of Jewish unemployment, which was virtually non-existent during 1925. Unless the Palestine government decided to change the mechanism for calculating the labour schedule, immigration would continue to increase as more immigrants with independent means created short-term work in the form of building activity.

In October 1925, an Immigration Ordinance finally came into effect that consolidated the various changes made to the immigration regulations since the outbreak of the May Day riots. In March 1926, the colonial secretary wrote to Lord Plumer expressing concern at the current situation and emphasised the need to restrict immigration to prevent an economic crisis that would affect the whole of Palestine.⁹⁴ Yet the construction 'boom' had already set the conditions for a deep economic crisis if the rate of immigrants with capital declined. During 1926, the volume of immigration to Palestine contracted to 13,081, a steep reduction from the levels of 1925, and in 1927 the phase of economic prosperity was followed by a slump in the Jewish economy. Perhaps the most significant figure was that immigration through independent means fell from 11,794 to just 1,613, which had direct consequences for the labour schedule as unemployment increased.⁹⁵ The Zionist Organisation blamed the reduction of migrants on restrictive British policy and argued that their economic indicators pointed to continued growth.⁹⁶ However, the major reason was a deterioration in external conditions, particularly in Poland, where the worsening position of Polish Jewry, currency restrictions, and a steep fall in the value of the *zloty* had a significant effect on the standing of Jewish immigrants with the necessary capital to emigrate.⁹⁷

The depression in Poland curtailed the essential flow of new immigrants, leading to an unemployment crisis for the urban Jewish areas of Palestine. The conditions were so stark that, in 1927, Palestine witnessed a net emigration of 2,358 as many fled back to Poland to salvage what remained of their interests there.⁹⁸ This emigration was demonstrative of the fact that for many immigrants of the fourth *aliyah*, economic opportunity was a major motivation guiding them to Palestine, rather than Zionist ideology. Those who did not have the means to leave once economic conditions deteriorated found themselves facing severe

⁹⁴ Amery to Plumer, 17 March 1926, CO 733/124.

⁹⁵ Hope-Simpson, 'Report on Immigration, Land Settlement and Development', p.183.

⁹⁶ Zionist Organisation, 'Memorandum on the economic position of the urban Jewish population in Palestine', 26 January 1926, CO 733/124.

⁹⁷ Smith, *Roots of Separatism*, pp.79-80.

⁹⁸ 'Report of the Commission on the Palestine Disturbances of August, 1929.', March 1930, Cmd. 3530, (London, HMSO, 1930), p.101.

unemployment that the Zionist Organisation was unable to alleviate. In 1927, unemployment peaked at 7,300 persons in a total labour force of 41,000.⁹⁹ The mandatory administration was forced into a rare act of economic intervention to protect Jewish interests with relief works in Tel Aviv, which caused its own budget to go into deficit.¹⁰⁰ Hyamson later argued that if the mandatory government's immigration regulations had not been stricter, more immigrants would have entered Palestine in the preceding years, which would have significantly worsened the extent of both unemployment and emigration through 1927.¹⁰¹ Whilst it was probably the case that higher numbers of 'un-absorbed' immigrants would have worsened the crisis, the fact the crisis happened in the first place demonstrated that the short-term nature of the forecasts to determine the economic capacity of Palestine and the size of the labour schedule were not adequate.

Britain drew two main lessons for immigration policy from this episode of 'boom and bust'. First, it was decided that the minimum capital threshold of £500 was too low. The Colonial Office view was that too many urban shopkeepers had been attracted to Palestine who had fuelled the property market rather than investing in agriculture or manufacturing. The commission of inquiry into the 1929 riots recorded that many immigrants spent all of their capital on the construction of their home, after which they had no resources left to provide further employment.¹⁰² The second and perhaps more significant lesson was that the high level of immigration – 33,801 in 1925, more than the years 1920-3 combined – had not resulted in any outbreaks of public disorder or a demonstrable rise in communal tensions. The unemployment situation was regarded as a crisis, but it was largely confined to the Jewish community engaged in building activity around Tel Aviv and did not significantly impact the Arab population.¹⁰³ The absence of public disorder meant that the mandatory administration believed that, whilst the practical application of the regulations needed adapting, the principle of using an economically based set of criteria to direct immigration was still viable.

Modification of the practical aspects of the regulations was designed to prevent a crisis from re-occurring. Plumer wrote to the Colonial Office suggesting that immigration had to be drastically restricted so that 'all capital and energy [can be] devoted to what may be

⁹⁹ Nadav Halevi, 'The Political Economy of Absorptive Capacity: Growth and Cycles in Jewish Palestine under the British Mandate', *Middle Eastern Studies*, Vol. 19, No. 4, (October 1983), p.458.

¹⁰⁰ Colonial Office Minute, 17 January 1930, CO 733/188/2.

¹⁰¹ Hyamson, *Palestine Under the Mandate*, pp.62-3.

¹⁰² 'Report of the Commission on the Palestine Disturbances of August, 1929', p.105.

¹⁰³ Smith, *The Roots of Separatism*, pp.81-2.

described as consolidating the position attained'.¹⁰⁴ The implication was that the national home had been allowed to expand too quickly to allow for all of the immigrants to be properly 'absorbed'. The labour schedule was gradually reduced and, as unemployment worsened, was completely suspended between October 1927 and September 1928. Given its link to economic capacity, this measure was inevitable. The high commissioner also decided to increase the capital requirement for those with independent means and the threshold was doubled to £1,000. The underlying aim was still to attract immigrants with capital, but under trusteeship it was deemed necessary to increase the minimum capital so that they could settle in Palestine *and* successfully establish commercial or agricultural enterprises which would promote economic growth for the benefit of all.¹⁰⁵

The Shaw Commission, the Hope-Simpson Report, the Passfield White Paper, and the 'Black' Letter: Immigration Policy between 1929 and 1931

During the period of 1929-31, immigration policy was subjected to a sustained period of examination after a major outbreak of rioting spread across Palestine in the summer of 1929 following tensions about the status of the Western Wall in Jerusalem. Those debates, however, did not lead to a dramatic change in policy or British intent towards Palestine. Instead, they provided another layer of interpretation on the nature of British trusteeship in Palestine. In March 1930, Sir Walter Shaw delivered his commission of inquiry's report into the causes of the disturbances. It suggested that the enlargement of the Jewish Agency at the 16th Zionist Congress during July and August of 1929, and its rhetoric towards the adoption of a more 'progressive' immigration policy, had created an expectation amongst the Arab community of mass Jewish immigration and a resurgence of the economic problems that occurred in 1927 and 1928. The commission reported that the Arab population's primary understanding of Jewish immigration was one of a phenomenon that created unemployment and potential displacement from their land. However, the report determined that the role played by immigration in the immediate outbreak was not a proximate one:

To say that apprehension or alarm due to fear of the effects of Jewish immigration were immediate causes of the outbreak in August last is perhaps to go too far; but it is our view that, among a large section of the Arab people of Palestine, there is a feeling of opposition to Jewish immigration, that this feeling is well founded in that it has its origin in the known results of excessive immigration in the past and that, given other

¹⁰⁴ Plumer to Amery, 26 November 1926, CO 733/118.

¹⁰⁵ Luke to Amery, 9 November 1928, CO 733/152/3.

and more immediate causes for disturbance, that feeling would undoubtedly be a factor which would contribute to an outbreak.¹⁰⁶

This was an important conclusion for the Shaw Commission to reach as it meant the general issue of immigration became a key subject for further investigation. It explained that 'it appears to us obvious that the Arab attitude, the result of a dangerous combination of anger and fear, is a potential cause of future disturbance unless the fears which many undoubtedly entertain can be shown to be greatly exaggerated or can be proved to be groundless'.¹⁰⁷ The implication of this statement was that the Arab 'attitude' was misplaced, but that Britain needed to reassure them of the obligations that trusteeship imposed on the mandatory power. As such, the report did not undermine the fundamental assumption of trusteeship that Jewish immigration was beneficial to Palestine. On the contrary, it remarked that 'Jewish enterprise and Jewish immigration, when not in excess of the absorptive capacity of the country, have conferred material benefits upon Palestine in which the Arab people share'.¹⁰⁸ Henry Snell, a Labour MP on the committee, delivered a minority report that went further, suggesting that too much attention was paid to 'the excited protests of Arab leaders' and 'the impatient criticisms and demands of Zionist leaders on the other':

On any long view of the situation the Arab people stand to gain rather than lose from Jewish enterprise. There is no doubt in my mind that, in spite of errors of judgment which may have resulted in hardship to individual Arabs, Jewish activities have increased the prosperity of Palestine, have raised the standard of life of the Arab worker and have laid the foundations on which may be based the future progress of the two communities and their development into one State.¹⁰⁹

Here, Snell demonstrated one of the core assumptions that trusteeship relied on: that economic development would ultimately lead to political co-operation. The Shaw Commission wanted to prevent a repetition of the mass immigration of 1925 and 1926 that was beyond the absorptive power of the Palestinian economy and recommended that the mandatory administration should have more supervision over the selection of immigrants under the labour schedule.

To address the concerns about immigration, it was decided that a dedicated report on immigration, land settlement, and development was required to evaluate the economic capacity of Palestine. This investigation was headed by Sir John Hope-Simpson, an ex-

¹⁰⁶ 'Report of the Commission on the Palestine Disturbances of August, 1929', pp.111-2.

¹⁰⁷ Ibid, p.98.

¹⁰⁸ Ibid, p.61.

¹⁰⁹ Ibid, p.174.

colonial administrator from India who had been working on the settlement of Greek refugees following the Graeco-Turkish War of 1920-22.¹¹⁰ His main conclusion supplemented the findings of the Shaw Commission by suggesting that the continued establishment of the Jewish national home would require the development of existing land and resources because the economic capacity of the country was reaching the point where further Zionist settlement would start to seriously exacerbate the problem of 'landless' Arabs, which had been steadily building during the 1920s. This conclusion had significant ramifications for the facilitation of immigration under the ideal of trusteeship: further immigration was regarded as having the potential to aggravate existing problems in a manner that was detrimental to Arab economic interests. This meant that the mandatory administration would need to take a more proactive stance to protect those interests. One of the most significant aspects of the Hope-Simpson report was its assessment of the relative importance of Arab unemployment. It indicated that the cessation of conscription, which had traditionally consumed surplus labour under the Ottoman government, meant the Arab population was rapidly increasing but with diminishing prospects for employment as Jewish immigrants took positions that Arabs could otherwise have filled. High levels of Arab unemployment had, in some instances, caused wages to fall by around half leading Hope-Simpson to conclude that 'available information on the subject supports the belief that such unemployment not only exists but is serious and widespread'.¹¹¹ His report advised that in relation to the labour schedule,

It is the duty of the Government to look upon the country as one unit. The solution of the question facing the Government, in determining the number of Jewish labourers to be admitted, must depend, not on the amount of Jewish unemployment in reference to anticipated employment in the half-year for which the schedule is framed, but unemployment generally in Palestine.¹¹²

Like the Shaw Commission, Hope-Simpson was not completely opposed to further immigration; he acknowledged that carefully regulated immigration was a valuable source of economic growth, particularly through the 'derived' demand that accompanied Zionist settlement. Both the Shaw Commission and the Hope-Simpson report left intact the assumption that immigration could be a positive phenomenon that promoted economic growth, although they questioned the practical working of the regulatory mechanisms.

¹¹⁰ See Roger T. Stearn, 'Simpson, Sir John Hope (1868-1961)', *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/77017>, accessed 19 April 2011.

¹¹¹ Sir John Hope-Simpson, 'Report on Immigration, Land Settlement and Development', Cmd. 3686, (London, HMSO, 1930), p.133.

¹¹² *Ibid*, p.186.

After the British government had received Hope-Simpson's report it decided to make a full statement of policy on the findings and, in October 1930, a white paper was issued.¹¹³ It confirmed that the statement of policy contained in the 1922 White Paper, which enshrined the concept of economic capacity as the primary regulator for Jewish immigration, still provided the foundation for British immigration policy in Palestine. However, it also suggested more consideration of the practical aspects of how this principle should be implemented was required. This is where the findings of the Shaw commission and Hope-Simpson report had most impact, as they promoted wider considerations for future immigration policy.

The Passfield White Paper, named after the colonial secretary, reiterated Hope-Simpson's concern that the *Histadrut* – the General Federation of Jewish Labour – exerted considerable influence over new immigrants, especially in promoting the Zionist principle of 'self-labour'. The *Histadrut* advocated the segregation of Jewish and Arab workers to further the development of the national home. When it lent money or leased land for agricultural enterprises, it often inserted clauses that bound the colonies to hire Jewish labour only.¹¹⁴ The rationale behind this strategy was clearly understood by British officials, whose economic liberalism stipulated that whilst they could facilitate Jewish immigration to Palestine, they could not become involved in directing settlement or instructing the Jewish Agency to utilise its resources for the direct benefit of the Arab community. As the Jewish community grew larger, however, there was a gradual appreciation that once the *yishuv* had reached a certain size the principle of self-labour would begin to have a detrimental effect on the Arab economy as employment opportunities were denied to them and that this had a divisive effect on Arab-Jewish relations. The protective element of trusteeship thus became more pronounced as the perception of the Jewish community growing in size and beginning to pressure Arab interests gained wider circulation. This is not to suggest that colonial officials began to adopt pro-Arab or anti-Zionist stances regarding immigration policy, but that the balance by which they believed they were guarding the interests of both communities under the ethos of trusteeship had changed in a way that required an adaption to the mechanism of regulation. The White Paper echoed Hope-Simpson's statement about the duty of the mandatory administration to consider a broader notion of the economic capacity of the country:

¹¹³ 'Palestine. Statement of Policy by His Majesty's Government in the United Kingdom', October 1930, Cmd. 3692, (London, HMSO, 1930).

¹¹⁴ *Ibid*, p.18

Clearly, if immigration of Jews results in preventing the Arab population from obtaining the work necessary for its maintenance, or if Jewish unemployment unfavourably affects the general labour position, it is 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" is in a position to obtain work.¹¹⁵

This statement was one of the reasons for the contentious reception of the White Paper. Zionists interpreted it as a betrayal of the mandate, whilst Arab leaders believed it envisaged a permanent suspension of immigration. It was understood to imply that immigration would be suspended if it prevented any Arab from obtaining employment.¹¹⁶ The furore that surrounded its publication led Ramsay MacDonald, the British prime minister, to issue a letter to Weizmann in February 1931 designed to remove 'certain misconceptions and misunderstandings' that surrounded the Passfield White Paper.¹¹⁷

The 'Black Letter', as it has come to be known, has been interpreted as a significant reversal of policy by a minority Labour government following the mobilisation of Zionist influence in London.¹¹⁸ However, if scrutinised closely, it can be seen that the clarifications given in the letter remain consistent with the themes of trusteeship that had been expressed in the White Paper. MacDonald stressed that the White Paper in no way meant the suspension of immigration that the Zionists feared, but that the mandatory administration had a duty to consider a wider interpretation of economic capacity:

The effect of the policy of immigration and settlement on the economic position of the non-Jewish community cannot be excluded from consideration. But the words are not to be read as implying that existing economic conditions in Palestine should be crystallised. On the contrary, the obligation to facilitate Jewish immigration and to encourage close settlement by Jews on the land, remains a positive obligation of the Mandate, and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine.¹¹⁹

Whilst it is certain that significant political momentum had built up behind continued British sponsorship of the Jewish national home in London, the description of Jewish immigration as a 'positive obligation' is a useful one because it demonstrates the position that immigration continued to hold in the overall context of British trusteeship for Palestine. However, a

¹¹⁵ Ibid, p.21.

¹¹⁶ G. Sheffer, 'Intentions and Results of British Policy in Palestine: Passfield's White Paper', *Middle Eastern Studies*, Vol. 9, No. 1, (January 1973), p.53; Friesel, 'Through a Peculiar Lens', p.419; Sherman, *Mandate Days*, pp.83-6; Paul Goalen, 'MacDonald's 'Black Letter'', *Journal of Interdisciplinary Studies in History and Archaeology*, Vol. 1, No.2, (2004), p.87.

¹¹⁷ MacDonald to Weizmann, 13 February 1931, MECA, GB165-0058

¹¹⁸ Sheffer, 'Intentions and Results of British Policy in Palestine', pp.54-5; Segev, *One Palestine, Complete*, pp.337; Shepherd, *Ploughing Sand*, p.114; Pappé, *A History of Modern Palestine*, pp.92-3.

¹¹⁹ MacDonald to Weizmann, 13 February 1931, MECA, GB165-0058.

growing awareness that Jewish actions held consequences for the economic position of the Arab community was also acknowledged:

The principle of preferential and, indeed, exclusive employment of Jewish labour by Jewish organisations is a principle which the Jewish Agency are entitled to affirm. But it must be pointed out that if in consequence of this policy Arab labour is displaced or existing unemployment becomes aggravated, that is a factor in the situation to which the Mandatory is bound to have regard.¹²⁰

The succession of policy announcements that resulted from the 1929 riots did not result in sudden or restrictive changes to Palestine's immigration system, but they did provide significant clarifications about the evolving nature of British trusteeship in Palestine that re-affirmed the historic basis of immigration policy and this would have a distinct impact on British thinking about immigration during the 1930s.

Wauchope's 'Longer View' and Jewish Immigration between 1931 and 1936

The policy announcements between 1929 and 1931 formed the basis for a new approach to admitting immigration to Palestine under the labour schedule. In November 1931, Major-General Sir Arthur Wauchope was installed as high commissioner in the hope that his military experience would promote stability in Palestine.¹²¹ The wider interpretation of economic capacity formed a core part of Wauchope's attempt to facilitate immigration. His guiding principle was to consider Palestine's ability to permanently absorb new immigrants, as opposed to only considering immediate labour demands in what he referred to as a 'longer view' on economic outlook.¹²² One of the primary reasons for this was that the 1931 census recorded that 42 per cent of the Arab Muslim population was below the age of 15 (about 150,000 males), which suggested that there would be a large number of Arabs becoming economically active in the near future. Wauchope explained to the Colonial Office that if all opportunities for employment were taken by Jewish immigrants, then 'there may indeed be 'displacement' of Arabs without actual discharge of Arab workmen employed by Jews'.¹²³

In MacDonald's letter to Weizmann, one of the clarifications given was that 'consideration will be given to anticipated labour requirements for works which, being dependent on Jewish or mainly Jewish capital, would not be or would not have been

¹²⁰ Ibid.

¹²¹ Martin Bunton, 'Wauchope, Sir Arthur Grenfell (1874–1947)', *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/36786>, accessed 20 April 2011.

¹²² Cabinet Paper on Immigration Policy in Palestine, 20 August 1934, CO 733/254/7.

¹²³ Wauchope to Parkinson, 14 February 1934, CO 733/254/9.

undertaken unless Jewish labour was made available'.¹²⁴ This recognised the Zionist principle of self-labour, yet Wauchope's 'longer view', which he interpreted as entirely consistent with the Black Letter, meant that in practice he was bound to take Arab unemployment into consideration. He argued that when certificates were given to immigrants to be employed exclusively on new or enlarged Jewish enterprises, there was not an adequate method of ascertaining whether these immigrants had become permanently employed. Many immigrants often moved on from their initial engagements to find other employment on public or municipal works, or other activities not primarily dependent on Jewish capital, which, Wauchope explained, 'means if not direct displacement of Arab labour, at any rate fewer openings for Arab unemployed, and thus aggravation of existing Arab unemployment'.¹²⁵

The wider interpretation of economic capacity still did not allow for political considerations to affect the numbers of immigrants. However, British officials were unable to ignore the development of European politics and the deteriorating position of European Jewry during the 1930s. The rise of Nazism in Germany in 1933 became a significant dimension in the question of British immigration policy towards Palestine as the Third Reich began to persecute and displace its Jewish population, causing many to flee Germany in search of refuge. After the United States and Britain placed heavy restrictions on immigration, Palestine became one of the only viable options left for emigration. Under trusteeship, the primary obligation that colonial officials held was toward the inhabitants of Palestine; any concern for assisting German Jews was secondary to those needs and interests. During a House of Commons debate on 3 April 1933, where it was asked if immigration restrictions would be relaxed, the colonial secretary, Sir Phillip Cunliffe-Lister, responded that 'there can be no question of departing from the principle, which has been consistently followed, that immigration into Palestine must be governed by the economic absorptive capacity of the country'.¹²⁶ Whilst the Colonial Office was desperate to avoid departing from established principles, it believed that some measures could be taken within the existing system. For example, Wauchope authorised an advance of 1,000 labour certificates to German Zionist offices and gave the passport control officer in Berlin permission to grant certificates to

¹²⁴ MacDonald to Weizmann, 13 February 1931, MECA, GB165-0058.

¹²⁵ Wauchope to Parkinson, 6 January 1934, CO 733/254/8.

¹²⁶ Hansard HC Deb, 3 April 1933, Vol. 276, c1420-1. See also Colonial Office Memorandum on Jewish Immigration into Palestine, 12 April 1933, CO 733/264/5.

immigrants with independent means without reference to the mandatory administration in Jerusalem.¹²⁷

The Jewish Agency petitioned the high commissioner to allow for 'exceptional facilities for Jewish immigration' in light of the 'catastrophic situation' Jews were facing in Germany.¹²⁸ Yet in his memoir, Albert Hyamson was keen to debunk the Zionist assertion that Palestine could have taken more German Jewish immigrants before the outbreak of war, suggesting that many certificates were made available to German Jews but that the Jewish Agency preferred to distribute them throughout Eastern Europe instead, where over three-quarters went.¹²⁹ Outside of the labour schedule, there was still the possibility for those with capital of £1,000 to enter Palestine but as the situation for Jews in Germany deteriorated, Jewish assets were frozen by the Third Reich and emigration with independent means to Palestine became more difficult. Germany had imposed capital exporting restrictions as early as 1931 to protect its economy during the depression, but the Third Reich was particularly reluctant to allow wealth to be exported as its own foreign reserves had begun to dwindle and the sterling it held was assigned for purchasing military items. However, the interests of the German authorities and Jews who wanted to leave Germany coalesced in the creation of the '*Haavara*' transfer agreement, which became the only viable method for Jews migrating to Palestine to export part of their blocked capital. Under the agreement, two clearing houses were established: one in Germany, which would collect the assets of Jewish emigrants before they left Germany; and one in Palestine, which would provide immigrants in Palestine with a portion of their capital in Palestinian currency, imported German goods, or property elsewhere in Palestine, allowing them to meet the £1,000 capital threshold. Blocked Jewish assets, up to a maximum of 50,000 Reich marks (equivalent to £4,000), would be deposited in a special *Haavara* account at the Reichsbank. Importers in Palestine who wished to purchase goods in Germany deposited the cost in Palestine pounds in the Palestine clearing house; the goods would then be paid for using a mixture of those Palestine pounds and the capital deposited in the *Haavara* account, earning Germany some foreign currency whilst preventing the substantial export of capital.¹³⁰ British officials were wary of harming their own interests by 'fostering German trade in the Near East', but acknowledged that this was the only system whereby immigrants could gather the necessary capital to qualify for

¹²⁷ Wauchope to Cunliffe-Lister, 12 April 1933, CO 733/236/4.

¹²⁸ Sokolow to Wauchope, 19 April 1933, CO 733/236/4.

¹²⁹ Hyamson, *Palestine Under the Mandate*, pp.68-9.

¹³⁰ Francis Nicosia, *The Third Reich and the Palestine Question*, (New Brunswick, Transaction Publishers, 2000), pp.46-9.

immigration and could be justified on the grounds that it would contribute to economic growth.¹³¹

In Palestine, the influx of immigration and capital began to drive economic development. Like the boom in the 1920s, the dramatic growth of the 1930s was fuelled by immigrants investing in property and construction.¹³² As the economy expanded, questions of unemployment became less important as Palestine began to suffer from periodic labour shortages.¹³³ Economic growth saw a huge rise in the volume of immigration that Palestine could absorb, and Jewish immigration rose steadily from 4,075 in 1930 to a high of 61,854 in 1935.¹³⁴ Nevertheless, Wauchope maintained a cautious view. For example, the Jewish Agency argued that at least 20,000 certificates needed to be issued under the labour schedule of April-September 1934 to compensate for 'the acute shortage of Jewish labour which prevailed throughout the last schedule period'.¹³⁵ After considering the evidence, the high commissioner came to the conclusion that Palestine could absorb 6,400 labour immigrants.¹³⁶ Wauchope believed that the labour shortage was exacerbated by the Jewish Agency's tendency to select 'inappropriate' immigrants under the labour schedule: in 1933 over 2,000 immigrants that entered Palestine under the labour schedule were described as either relatives or 'middle-class' persons with capital who refused to enter the market for manual labour.¹³⁷ Whilst it posed some difficulty for Wauchope and the Colonial Office to maintain a 'longer view' on the economic outlook in the face of these labour shortages, the experiences of growth and slump in the building industry during the 1920s had not been forgotten by colonial officials and demonstrates how trusteeship required that the immigration regulations facilitated stable economic growth.¹³⁸

In dealing with the labour shortages, Wauchope believed that admitting too many immigrants in a short space of time would undermine Palestine's ability to permanently absorb new immigrants in the future. He emphasised that the quality of immigration was more important than quantity, and that the correct ratio between 'immigrant workers' and

¹³¹ Hathorn-Hall to Williams, 27 November 1935, CO 733/277/2; Mills to Hathorn-Hall, 12 November 1935, CO 733/277/2.

¹³² Wauchope to Cunliffe-Lister, 12 April 1934, CO 733/255/3.

¹³³ Wauchope to Cunliffe-Lister, 25 December 1933, CO 733/254/8.

¹³⁴ 'Palestine. Royal Commission Report', p.279.

¹³⁵ Shertok to Department of Immigration, 10 April 1934, CO 733/254/10.

¹³⁶ Hathorn-Hall to Jewish Agency, 30 April 1934, CO 733/254/140.

¹³⁷ Wauchope to Cunliffe-Lister, 31 January 1934, CO 733/254/8.

¹³⁸ Mills to Hathorn-Hall, 20 September 1934, CO 733/254/11.

'capitalists' had to be achieved for economic absorption to remain permanent.¹³⁹ The high commissioner suggested that a side effect of excessive immigration would be an increase in land speculation and consequent rises in rent, which would be detrimental to wide sections of the population in both the Arab and Jewish communities.¹⁴⁰ Although Wauchope was willing to approve some supplementary schedules to alleviate acute problems, as happened in July 1934, from the British point of view, labour shortages and restrictions on the schedule held the advantage of forcing Jews to employ Arab labour when necessary. Whilst the *yishuv* 'detested' this situation as they thought it would lower their standard of living, Wauchope suggested to the Colonial Office that 'the more Arab and Jew work together the more hope there is for the solution of our difficulties'. This cautious view should not be seen as hostility to Zionism. Wauchope explained his rationale by using a building analogy: 'The National Home will be built on more secure foundations if the mortar is given time to dry before the superstructures are erected'.¹⁴¹

The effect of labour shortages on the dual economy was important as it drove migration to towns where building work achieved higher wages. This had a consequential effect on wage inflation that Wauchope was anxious to contain, but only within the constraints of his approach to labour immigration.¹⁴² The building activity that took place in the towns meant that citrus cultivation, which had experienced considerable growth in previous years, was left without sufficient manual workers. The dynamic combination of intensive development of existing agricultural land and the trend of migration to towns allowed immigration to reach a high volume that would have been difficult to predict following Hope-Simpson's conclusions on economic capacity. The other effect of the labour shortages and restriction on immigration was the proliferation of illegal immigration and the mandatory administration's attempts to combat it, which became a key feature of immigration during the 1930s.

Concerns over illegal settlement were justified in terms of trusteeship. It was believed that it had significant potential to compromise the economic position of both Jews and Arabs that were settled in Palestine. Wauchope explained that 'the entry of unauthorised and unselected immigrants is detrimental to the interests of all sections of the population'.¹⁴³ One

¹³⁹ Wauchope to Cunliffe-Lister, 19 July 1934, CO 733/254/10.

¹⁴⁰ Wauchope to Cunliffe-Lister, 8 May 1934, CO 733/254/10.

¹⁴¹ Wauchope to Cunliffe-Lister, 21 July 1934, CO 733/254/10.

¹⁴² Cabinet Paper on Immigration Policy on 20 August 1934, CO 733/254/7.

¹⁴³ Ibid.

of the main problems was that illegal immigration was difficult to accurately record. Wauchope estimated that it was around 10,000 persons in 1932 and 12,000 in 1933. It also undermined all efforts to accurately calculate the absorptive capacity of the country and the high commissioner informed the Colonial Office that 'the entry of the additional 12,000 unauthorised immigrants in 1933 might have led to grave distress had 1933 not proved to be a year of unusual economic prosperity'.¹⁴⁴

Attempts to combat illegal immigration were hampered by a range of difficulties. One of the main options was deportation, yet colonial officials appreciated the futility of attempting to send Jews back to Germany or other countries in Europe where they would not be welcome. This forced the mandatory administration to accept various instances of illegal settlement; prevention therefore became the priority, but this also had its problems.¹⁴⁵ The Jewish Agency argued that the fact these settlers had actually integrated into the economy demonstrated that the mandatory administration was underestimating the absorptive capacity of the country.¹⁴⁶ This argument was not accepted by the Palestine government, who began to deduct certificates from the labour schedule to account for the number of illegal immigrants that had settled in Palestine in an effort to compel the Jewish Agency to curb the practice. In November 1934, for example, over 2,000 certificates were deducted from the schedule in this manner and legislation was also introduced that attempted to restrict the ability of illegal immigrants to acquire immovable property.¹⁴⁷ Wauchope also established a special police force to patrol the coast and land frontiers in a bid to close the routes that illegal immigrants took, but it lacked sufficient resources to police Palestine's wide borders successfully.¹⁴⁸

The rise in illegal immigration, Wauchope's wider interpretation of economic capacity, and the complications caused by the Jewish Agency selecting 'unsuitable' immigrants under the labour schedule, which exacerbated the labour shortages, created the need for a new system of immigration regulations.¹⁴⁹ After a trip through Europe, Eric Mills, who succeeded Hyamson as director of immigration, submitted his proposals for a new system in April 1934. The system that he proposed, which drew on the legislation in force in the self-governing dominion of Canada, centred on giving all Jews a legal right to enter

¹⁴⁴ Wauchope to Cunliffe-Lister, 31 January 1934, CO 733/254/8.

¹⁴⁵ Colonial Office Minute, 31 May 1934, CO 733/255/3.

¹⁴⁶ Colonial Office Note on Jewish Agency Memorandum, undated, CO 733/254/12.

¹⁴⁷ Mills to Jewish Agency, 9 November 1934, CO 733/254/12; Wauchope to Cunliffe-Lister, 13 December 1934, CO 733/276/6.

¹⁴⁸ Minute by Garson, 22 August 1934, CO 733/254/11.

¹⁴⁹ Wauchope to Cunliffe-Lister, 12 April 1934, CO 733/255/3.

Palestine whilst the mandatory administration would hold the power to check up on immigrants and deport them if they had not been properly absorbed into the local economy.¹⁵⁰ The system was regarded as unworkable in Palestine and quickly rejected.

The debate over a new system of regulations did not encompass concerns for the deteriorating position of German Jewry. In November 1935, Mills submitted a report to the chief secretary following a visit to Berlin that was particularly revealing of British attitudes. After describing the emergence of a totalitarian society in Germany, Mills went on to discuss the position of Jews under the Nuremberg Laws. Where the state had legally segregated the Jews, he explained that the Third Reich had enforced their social and economic isolation in order to eliminate the Jews from Germany by 'complete impoverishment'.¹⁵¹ He suggested that 'for the Jews... there is no rule of law'; his solution was the 'planned emigration' of the younger Jews, yet he did not view this as a sole British responsibility: 'His Majesty's Government are not and ought not to be the 'protectors of Jews''.¹⁵² For Mills, the problem was an international one that needed to be carefully managed as large scale migration to European countries had the potential to exacerbate anti-Semitic feelings. He discussed his report with Wauchope and they arrived at the conclusion that the Jewish Agency needed to give 'favourable treatment to German Jews' in the selection of immigrants, which reflected the earlier belief that the immigration system as it stood could give some latitude to the Zionist movement without compromising the principle of economic capacity. His suggestion that Britain should not be the 'protectors of Jews' confirmed the view that its primary obligations were to the established Arab and Jewish communities in Palestine.

The growth of the Palestinian economy allowed for a high level of immigration during the mid-1930s. The Peel Commission estimated in 1937 that an annual rate of 60,000 Jewish immigrants to Palestine would have seen the Arab and Jewish communities reach parity in about 1947, which clearly accentuated the Zionist threat for Palestinian Arabs. The political implications of the fifth *aliyah* became clear when the Arab rebellion began in April 1936. Immigration was not the sole reason for its outbreak: a change in the dynamic of land sales, where more smallholders were being dispossessed of their land, and a radicalisation of Arab politics after a new generation exhibited dissatisfaction with the methods of the 'traditional' leadership were also responsible for leading the Arab community to the belief

¹⁵⁰ Mills, 'Memorandum on Immigration into Palestine', 12 April 1934, CO 733/255/3.

¹⁵¹ Mills to Hathorn-Hall, 12 November 1935, CO 733/277/2.

¹⁵² Ibid.

that armed resistance offered the only effective method of challenging British rule in Palestine.

Conclusion

Throughout the mandatory period, British immigration policy was conducted in a highly politicised environment yet economic capacity remained the primary consideration in British efforts to facilitate Jewish immigration. The Zionist plan was to gain a majority in Palestine, whilst the Arab leadership wanted to block all Jewish immigration. Between those political objectives, there was little room for either community to be persuaded by the rationale of British trusteeship. The various policy announcements made by the British government – the 1922 White Paper, the 1930 White Paper, the ‘Black Letter’ – were all designed to clarify those aims without alienating either community, but they were received by the Arab and Jewish communities in exaggerated fashions in order to reinforce their own political arguments. When looked at closely, those policy announcements actually kept intact one of the core assumptions of trusteeship that carefully regulated immigration would be beneficial to all of the inhabitants of Palestine by promoting economic growth. The major British complaint was that the local population did not properly understand how seriously Britain took the ‘dual’ obligation that the ‘sacred’ trust of the mandate imposed. Of course, that dual obligation did not include any scope for the recognition of a Palestinian Arab national movement. The mechanism for regulating immigration required considerable adaptation to try and discharge that obligation, but by harnessing it solely to notions of economic capacity, the mandatory administration actually divested itself of a significant lever by which it could have influenced the development of Arab-Jewish tensions.

Jewish immigration to Palestine was one of the chief methods of realising the British ambition that Zionist settlement would help to drive economic development. This was not a false assumption: new immigrants brought significant amounts of capital with them that increased prosperity. But if the Palestinian economy is viewed through the ‘dual’ model, the consequences of immigration were unequal and asymmetric. This was because of Zionist policies designed to further the establishment of the national home by channelling that impact towards the *yishuv* through policies like the segregation of labour and a disinclination to invest in Arab enterprises. It is clear that there were significant contacts between the two elements of the dual economy, but the Zionist movement intended that the direct benefits of immigration should be reserved for the Jewish community. Ultimately, the mandatory

administration respected this prerogative in line with its liberal ideas on economic development, although there was a considerable level of indirect benefit for the Arab community because increasing customs and taxation created revenue for the government that could be used to provide general public services and improve infrastructure.

The other aspect of the assumption about economic development – that rising prosperity would mitigate tensions arising from the presence of a Jewish national home – proved false. Outbreaks of disorder in 1921 and 1929 provided a catalyst to alter the immigration regulations. However, Arab political concerns were not conceived as the root of British problem. Instead, it was believed that changing socio-economic realities in Palestine were the fundamental causes of violence and the changes made to the immigration regulations reflected this. The mandatory administration was forced to confront the fact that as the *yishuv* grew in size it began to have a larger impact on the economic position of the Arab community and therefore a wider notion of economic capacity was required. This illustrated one aspect of trusteeship, but the form of protection offered was narrowly focused on economic interests and so the principle of using economic capacity remained the primary method of regulating immigration from the beginning of the civil administration in July 1920 until the outbreak of the Arab rebellion in April 1936.

4

Land

The acquisition of land was a central aspect of Zionist efforts to establish a national home in Palestine. On a practical level, the control of territory allowed the *yishuv* to build towns and agricultural settlements in which to settle new immigrants and provide them with employment. In Zionist ideology, a 'return' to the land through agriculture was also seen in cultural terms as a key element of nation-building that would bring about a radical break with Jewish life in the Diaspora and create a 'new' type of Jew who concentrated on the production of goods rather than the provision of services. However, Palestine was a relatively small territory, with limited natural resources, and, despite some contemporary European preconceptions of an 'empty' country, an existing Arab population that owned or occupied the vast majority of the good, cultivable land. As Sir Herbert Samuel remarked at the end of his tenure as high commissioner, 'in the excitement of the moment difficulties and obstacles were ignored. The presence of more than half a million Arabs, owning most of the soil, was forgotten'.¹ This left two broad methods for the establishment of a national home: the use of state land for 'close settlement' by the Zionist movement, which became an obligation for Britain under Article Six of the mandate, and the purchase of Arab land by either private individuals or Jewish land buying organisations, such as the Jewish National Fund or the Palestine Jewish Colonisation Association. The exchange of land from Arabs to Jews was usually an irreversible process, as land purchased by the Zionist movement became a publicly owned 'national' asset that could not be resold; a trend that was generally regarded by the Arab community as dispossessing it of its national patrimony, despite the prevalence of Arab notables privately selling land to Jews.² Land policy and Zionist settlement, alongside immigration, became one of the most politicised aspects of British rule in Palestine, and provided a focal point for tensions between both communities, particularly in land disputes that threatened Arab cultivators with eviction.³

A central theme in the historiography on land has been the acquisition of territory by the Zionist movement through these two processes. The *yishuv* went from controlling a

¹ Samuel to Amery, April 1925, CO 733/110.

² Metzger, *The Divided Economy of Mandatory Palestine*, p.5.

³ See, for example, Raya Adler, 'The Tenants of Wadi Hawarith: Another View of the Land Question in Palestine', *International Journal of Middle East Studies*, Vol. 20, No. 2, (May 1988), pp.197-220.

relatively insignificant area of Palestine at the beginning of the mandate to the situation at the end of it, where the territory it controlled influenced plans for the partition of Palestine and formed the strategic nucleus for gains made during the first Arab-Israeli war.⁴ The key issues have been the extent to which Britain assisted the Zionist movement by facilitating land transfers and the dynamic of sales by land-owning Arab notables and the Arab peasantry to Jewish immigrants and Zionist land purchasing organisations. As will be demonstrated in this chapter, the search for 'vacant' state land – and the process of land reform as a whole – was complicated by the absence of comprehensive land registers and the legacy of what colonial officials regarded as 'backward' and 'archaic' Ottoman legislation regarding its use.⁵ Nevertheless, the granting of land to the Zionist movement, such as the concession to develop the land surrounding Athlit, Caesarea, and Kabara, and the forced partition of customary forms of land tenure have been held up as examples of British attempts at aiding Jewish settlement in Palestine.⁶ The motivation for land sales depended on who was selling, but a common denominator was the significant rise in the price of land because of Zionist demand. By 1936, the average price of land had quadrupled since the beginning of the mandate.⁷ Many landowners who became 'absent' after the post-war division of Ottoman territories sold out of convenience; some local Arab notables sold to raise capital for investment; whilst the chronically indebted Arab peasantry often sold after agricultural crises motivated them to take advantage of rising land prices to meet their financial obligations. Regardless of motive, a general feature of this historiography has been criticism of the Palestinian Arab national leadership who in public denounced Zionist settlement, but in private engaged in selling large tracts of land to Jews.⁸

⁴ See Kenneth Stein, *The Land Question in Palestine, 1917-39*, (Chapel Hill, University of North Carolina, 1984).

⁵ Martin Bunton, 'Inventing the Status Quo: Ottoman Land-Law during the Palestine Mandate, 1917-36', *The International History Review*, Vol. 21, No. 1, (March, 1999), pp.28-56; and Warwick Tyler, *State Lands and Rural Development in Mandatory Palestine, 1920-1948*, (Brighton, Sussex Academic Press, 2001), pp.15-18.

⁶ See, for example, Smith, *The Roots of Separatism in Palestine*, Ch. 5: 'The Search for Vacant Land'; Kenneth Stein, *The Land Question in Palestine*, Ch. 2: 'The Land Question'; and Roza El-Eini, *Mandated Landscape: British Imperial Rule in Palestine, 1929-1948*, (London, Routledge, 2006), Ch. 4: 'Land'.

⁷ By 1948, prices had increased by a factor of 10. See Metzger, *The Divided Economy of Mandatory Palestine*, p.88.

⁸ Kenneth Stein emphasises land sales from Arabs to Jews in *The Land Question in Palestine*. See also Tom Segev, *One Palestine, Complete*, pp.270-92; Shapira, *Land and Power*, p.182; and Porath, *From Riots to Rebellion*, pp.80-4.

The two processes of land acquisition illustrate how British rule in Palestine provided the necessary framework for the legal possession of territory by the Zionist movement.⁹ However, a strong focus on the political motivation and consequences of land transfers has the potential to obscure the overall record of British land policy in Palestine by presenting it solely in negative terms. As Martin Bunton has suggested, in this context the history of land policy becomes reduced to a 'narrative of loss' with Zionism the determinant force in British attempts at developing a new land system in Palestine.¹⁰ By 1948, the amount of land acquired by the Zionist movement stood at a relatively modest 1,588,365 dunams, or eight and a half per cent of the total of Palestine, with over half of that land vested in the Jewish National Fund in undeveloped and unpopulated areas.¹¹ Whilst the political context cannot be ignored, it should not be overstated and a theme in the more recent historiography on land has been on British initiatives for development in Palestine. These works have attempted to explore the improvement of Arab agriculture during the mandate, and how British efforts at reforming land tenure were aimed at raising economic prosperity through creating a system based around private property and clearly defined individual rights in a market economy.¹²

British officials believed these changes were necessary for their own sake; and not simply to expedite the establishment of the Jewish national home. As Sir Ernest Dowson, the mandatory administration's pre-eminent adviser on land reform during the 1920s, remarked

The establishment in Palestine of a national home for the Jewish people accentuated the urgency of the reform and imposed a higher standard of performance than might otherwise have been necessary; but basically the measures that were adopted were evoked by the economic needs of the land and the inhabitants, irrespective of creed or race, and would have been intrinsically just as necessary if the Balfour Declaration had never been conceived.¹³

⁹ See, for example, Adler, 'The Tenants of Wadi Hawarith', pp.197-220; and Jeremy Forman and Alexandre Kedar, 'Colonialism, Colonization and Land Law in Mandate Palestine: The Zor al-Zarqa and Barrat Qisarya Land Disputes in Historical Perspective', *Theoretical Inquiries in Law*, Vol. 4, No. 2, (July, 2003), pp.491-539.

¹⁰ Martin Bunton, *Colonial Land Policies in Palestine, 1917-39*, (Oxford, Oxford University Press, 2007), p.1.

¹¹ *A Survey of Palestine: Prepared in December 1945 and January 1946 for the information of the Anglo-American Committee of Inquiry*, (Washington, Institute for Palestine Studies, 1991), pp.244-45. See also Shepherd, *Ploughing Sand*, p.120.

¹² See Charles Kamen, *Little Common Ground: Arab Agriculture and Jewish Settlement in Palestine, 1920-1948*, (Pittsburgh, University of Pittsburgh Press, 1991); Tyler, *State Lands and Rural Development in Mandatory Palestine*; Bunton, *Colonial Land Policies in Palestine*; Amos Nadan, *The Palestinian Peasant Economy under the Mandate: A Story of Colonial Bungling*, (Cambridge, Harvard University Press, 2006); Roza El-Eini, *Mandated Landscape: British Imperial Rule in Palestine, 1929-48*, (London, Routledge, 2006); Bunton, *Colonial Land Policies in Palestine*.

¹³ Sir Ernest Dowson, Memorandum reviewing the History of Cadastral Survey, Settlement of Title, and Associated Measures in Palestine between 1913 and 1936, 15 August 1938, CO 733/361/12.

From this perspective, changes to the land system were derived from the British desire to transmit the 'civilising' values of its colonial traditions, such as liberalism, rationalism, and utilitarianism, rather than the singular aim of building a Jewish national home. The aim of this chapter is to explore how trusteeship informed the British approach to land reform in Palestine. To do so, this chapter will examine five aspects of the land system in Palestine: firstly, it will explore the British attempt at creating a liberal, unencumbered market in land during the 1920s; secondly, it will chart the mandatory administration's preferences for delineating and utilising state land in Palestine; thirdly, it will re-visit the policymaking period of 1929-31 to review Sir John Chancellor's efforts to increase the protection offered to Arab cultivators from eviction; fourthly, it will detail the attempt to carry out a policy of 'active development' in Palestine after the Western Wall riots of August 1929; and finally, it will address British attempts to reduce problems of Arab poverty and indebtedness by analysing changes made to credit and taxation under the mandate.

British proposals for the reform of Palestine's land system were informed by trusteeship in two main ways. The first was the emphasis on development, which was intended to help improve the economic position of the indigenous Arab population. The Palestinian economy, under the Ottoman empire, became progressively more connected to the world economy from the 1870s onward but the mandate period saw a dramatic intensification of such processes as the 'colonial' status of Palestine created new opportunities for imports and exports and the expansion of capitalist-style practices in the Jewish sector of the dual economy provided a foundation for rapid economic growth.¹⁴ Amidst these changes, land became converted into an increasingly valuable commodity. Land had, however, always been an important resource to the predominantly agrarian Palestinian economy, in which the vast majority of the Arab population existed as rural cultivators who typically engaged in pre-capitalist subsistence agriculture and were heavily indebted. British officials believed this impoverishment was exacerbated by a number of problems, such as fragmented landholdings, insecurity of tenure, poor soil because of a lack of capital investment, insufficient water resources for irrigation, and a punitive tax system.¹⁵ The overriding aim of British reform was to create a liberal and rational land system through a comprehensive programme of land settlement that would systematically define individual

¹⁴ See Metzger, *The Divided Economy of Mandatory Palestine*, pp.1-27; and Sarah Graham-Brown, 'The Political Economy of the Jabal Nablus, 1920-48', in Owen, *Studies in the Economic and Social History of Palestine in the Nineteenth and Twentieth Centuries*, pp.92-105.

¹⁵ Tyler, *State Lands and Rural Development*, pp.160-1.

rights, which would allow for the identification and disposal of state lands; establish a land market which would ensure that vacant land was made productive; and the reform of taxation and credit structures. Such measures would help to shift agriculture from extensive to intensive methods that were more appropriate for a 'modern' economy that was becoming linked to new markets. Many of these land reforms were derived from Orientalist understandings of the Arab 'character' that colonial officials believed needed 'improving', which formed an underlying justification for many of the changes that the mandatory administration tried to introduce in Palestine.

These proposals, however, contained significant potential to undermine the 'traditional' structure of Palestinian Arab society, particularly through facilitating a market in land that could allow cultivators to be dispossessed from their land. The second way in which British land policy connected to trusteeship was in the paternal stance which informed efforts to mitigate any negative effects that reform might have on the indigenous population. Barbara Smith has suggested that British administrators 'tended to overlook the rights of the Arab population' because they 'better understood the more familiar European style of organisation displayed by the Zionists'.¹⁶ Whilst it is certain that colonial officials had more affinity with the 'modern' methods of the Zionist movement, they were also conscious of their position as 'trustees' of both communities' interests and were eager to protect Arab peasants from displacement. This was particularly the case when it came to disposing of state lands, but the mandatory administration also tried to introduce various forms of legislation to ensure that tenant cultivators were not unfairly displaced from their land. In acknowledging the established Arab position on the land, the chief concern that colonial officials expressed was linked, as in the case of immigration, to the question of permanent Arab economic alienation rather than physical overcrowding of the land.¹⁷ The major aim was to prevent the creation of a discontented class of permanently landless Arab peasants that could pose a danger to the stability of the colonial state. Related to this was a reluctance to undermine the power base of the landowning and moneylending notables who constituted the leadership of Arab society. Britain looked to these notables as a basis for collaboration in expediting colonial rule and did not want to dramatically alter the social structure of Arab society.¹⁸ The inherent paternalism of British trusteeship therefore aimed to keep Arab peasants on the land whilst introducing evolutionary changes to their methods of cultivation within the overarching

¹⁶ Smith, *The Roots of Separatism*, p.87.

¹⁷ Ibid, p.86.

¹⁸ Tyler, *State Lands and Rural Development*, pp.12-3.

traditions of colonial rule that promoted liberalism, rationalism, and utilitarianism as a means to increase economic productivity.

British Reform and the Creation of a Land Market in the 1920s

The First World War devastated the Palestinian economy. In November 1918, the military administration took the decision to close the Land Registries to prevent further transactions amidst concerns that a general eviction of tenant cultivators would follow landowners' attempts to offset their deteriorating financial position by selling land.¹⁹ The civil administration wanted the registries re-opened as soon as possible. Samuel quickly realised that 'the resumption of land transfers is the first condition of economic revival'.²⁰ The closures had proved deeply unpopular with both Arab landowners, who wanted to capitalise on the value of their land, and Jewish land purchasing bodies, who wanted to begin the process of acquiring land for the national home.²¹ In August 1920, a Land Commission was established to make recommendations on how to achieve greater productivity in Palestine. It concluded that, even to a 'casual observer', much of the land owned by individuals, villages, and even some Jewish agricultural settlements, was left uncultivated. This was taken to mean that 'generally speaking the *fellah* has as much land as he can cultivate' and, therefore, that 'every encouragement should be given to landowners to sell their excess areas' to allow for 'the free flow of money'.²²

A Land Transfer Ordinance (LTO) was enacted in October 1920 to re-open the registries. It stipulated that all future transactions would have to be registered so that a comprehensive record could be created which would confirm individual rights and make future transactions more expedient.²³ Of course, this process of 'rationalising' and recording individual rights was a form of power through which the apparatus of the colonial state could start to exercise control over a subject population. The aims of the LTO were threefold, and connected to both the developmental and paternalist aspects of trusteeship: to prevent speculation on land prices so that land would be developed rather than hoarded; to offer the small owner and tenant security against eviction; and to provide access to much needed capital. One of the main principles embodied in the legislation was that all dispositions of immovable property over a lease of three years required the consent of the mandatory

¹⁹ Shepherd, *Ploughing Sand*, pp.27-8

²⁰ Samuel to Foreign Office, 23 August 1920, FO 371/5139.

²¹ Clayton to Foreign Office, 27 June 1919, FO 371/4171.

²² 'Report of Land Commission', 31 May 1921, p19-20, CO 733/18.

²³ Chief Secretary, 'Note on the Land Transfer Ordinance', 21 September 1920, FO 141/686.

administration. This was primarily a means to prevent land speculation, but it was also to guard against the unfair eviction of tenants or sales that left cultivators with an insufficient area of land.²⁴

The desire to prevent dispossession illustrated how Orientalist notions about Arab 'character' informed British thinking. J.F. Spry, director of the land registry, later wrote that 'the Ordinance [was] prepared at a time when Palestine was a very backward country' that required a 'paternal government' to oversee land transactions.²⁵ The experiences of colonial rule elsewhere had shown the mandatory government that it would have to 'protect the Arab in spite of himself in matters where he is perhaps none too well fitted by nature to protect himself'.²⁶ In the Sudan, for example, a 'five feddan law' had been introduced to create minimum subsistence areas, which had in turn been modelled on legislation from India.²⁷ Trusteeship imposed a clear obligation on the mandatory administration to raise Palestine from its 'very backward' state; the facilitation of a land market was a key part of the wider effort to promote economic development. Yet Orientalist projections, such as the Arab being 'none too well fitted' for change, stipulated that colonial officials must exercise a paternal form of control to mitigate any negative impact on the local population. As Bunton has suggested in his exploration of how British officials thought about the role of private property in Palestine, this 'reflected the weight of colonial experience with peasant dispossession'.²⁸ It is also demonstrative of the self-justifying nature of colonial rule and the need for British trusteeship: it suggested that Palestine required new methods of administration to embark on the path to modernity, yet at the same time posited that the Arab community needed British guidance and tutelage to adapt to the reforms that were required.

The Land Transfer Ordinance drew criticism from both the Jewish and Arab communities almost immediately after it was promulgated.²⁹ Zionist leaders found the protection offered to tenants inhibited the growth of the national home because it complicated the purchase of large tracts of land.³⁰ However, Arab opposition was largely unexpected. In the Colonial Office, Mills minuted that 'it has always been a matter of amazement to me that

²⁴ Chief Secretary, 'Note on the Land Transfer Ordinance', 21 September 1920, FO 141/686.

²⁵ J.F. Spry, 'Memorandum on the History, Law and Practice of Land Registration in Palestine', October 1948, MECA, GB165-0315.

²⁶ Colonial Office Minute by S.M.C, 24 November 1921, CO 733/7.

²⁷ Ibid.

²⁸ Bunton, *Colonial Land Policies in Palestine*, p.60.

²⁹ 'Report of the Land Commission', pp.20-1.

³⁰ Stein, *The Land Question in Palestine*, pp.46-7.

the Arabs never appreciated the benefits of these restrictions towards themselves'.³¹ The need for consent was seen by Arab notables as an attempt by the mandatory administration to keep down the price of land in order to assist Jewish land purchases. After the May 1921 riots, the Haycraft commission noted that

The Arabs have regarded with suspicion measures taken by the Government with the best intentions [and have viewed] the Transfer of Land Ordinance, 1920... as having been introduced to keep down the price of land, and to throw land which is in the market into the hands of the Jews at a low price.³²

An amending LTO therefore came into effect in December 1921. It stripped away the protective aspects of the 1920 ordinance by removing the minimum allocations for subsistence and the requirement for the high commissioner to approve sales. Instead, it allowed the director of the land registry to intervene in cases where insufficient land would be retained after a transfer to sustain the seller or any tenants that lived on the land. However, as Sir John Hope-Simpson noted in 1930, this could be easily circumvented by either the landlord ejecting any tenants beforehand and selling the land with vacant possession or inducing the tenant to withdraw through the payment of compensation, so the legislation could only afford limited protection.³³

The desire to facilitate land transactions led to the ascendancy of the developmental aspects of trusteeship rather than its protective imperatives. This was acceptable during the 1920s because, for the mandatory administration, these sales lacked the politically sensitive context of state lands where colonial officials did not want to be seen evicting Arab tenants. Kenneth Stein has suggested the land question was politically 'unobtrusive' at this time because Arab landowners' interests were served by the amendment of the LTO, and that tenant cultivators were willing to take high levels of compensation to vacate land prior to transfer.³⁴ Absentee landlords saw land as an investment; sales through an intermediary often allowed a commercial transaction to be divorced from its political ramifications. In private, Dowson linked these motivations to Oriental greed, commenting that he knew 'the inability of the Arab temperament to refuse a handsome profit'.³⁵ As long as the political climate

³¹ Minute by Mills, November 1921, CO 733/7.

³² 'Reports of the Commission of Inquiry into the Disturbances in May, 1921', Cmd. 1540, (London, HMSO, 1921), p.51.

³³ Sir John Hope-Simpson, 'Report on Immigration, Land Settlement and Development', Cmd. 3686, (London, HMSO, 1930), p.35.

³⁴ Stein, *The Land Question in Palestine*, p.59.

³⁵ Personal letter from Sir Ernest Dowson, 25 September 1937, MECA, GB165-0092.

remained favourable, the mandatory administration was content to focus on the prospects for development.

These legislative measures did not lead to an immediate transformation of the land market. The process of defining individual titles to land was hindered by the lack of a comprehensive land survey, the incomplete state of the inherited land registers, and the prevalence of a customary form of land ownership known as *musha*. British efforts at reform were undermined by the gap between legal doctrine and local practice. When the Ottoman army retreated from Palestine, many of the land records were either confiscated or destroyed, but there was also a prevalent tendency amongst the Arab peasantry to shun formal land registration, which was expensive, and rely on informal arrangements that avoided liability for taxation or conscription.³⁶ To compound the incomplete state of registration, Palestine also lacked a comprehensive cadastral survey against which individual rights could be defined. The land settlement process – the surveying of land and registration of its ownership – was the foundation on which most land reforms rested, yet the mandatory administration could not wait until it was fully completed before it re-opened the land registries because of the importance of stimulating economic growth. The creation of a land market and the process of surveying land and recording ownership were therefore forced to run concurrently.

The land settlement process was a crucial part of the struggle against customary forms of land tenure, which had created a gap between law and practice, and, in the eyes of colonial officials, had done much to impede development. There was near unanimous agreement that the primary reason for the ‘backward’ state of Arab agriculture was the perpetuation of land owned in *musha*, which for the mandatory administration represented the antithesis of their attempts to introduce liberal and rational land reforms that ensured the free working of ‘natural’ economic laws. The basis of the system was collective ownership through which village land was divided into parcels of similar quality and then periodically redistributed amongst those who held shares in the system. The failure to break out of these communal arrangements was taken as a sign of Oriental ‘irrationality’. As Amos Nadan has suggested, British actions were motivated by an Orientalist perspective that assumed that Arab ‘culture or mental habits were the source of a conservative inability to make economic-related judgments and adapt to change; in less politically correct language, the *fellahin* were too

³⁶ Dowson, ‘Report on the Land System in Palestine’, pp.5-12.

ignorant to manage their own farms wisely'.³⁷ Dowson stated that 'there is no doubt that the system is a most, probably the most, serious handicap on the economic development of the country and the improvement of the position of the peasantry'.³⁸ This was considered a serious problem because, at the beginning of the mandate, it was estimated that over half of all the cultivable land in Palestine was held in *musha*.³⁹ Various government reports endorsed the Land Commission's recommendation that the best solution was to enforce the compulsory partition of *musha* lands, with each villager who owned a share in the communal land receiving an individual plot of *miri* land that would encourage investment.⁴⁰ The key criticism made by British officials was that the periodic rotation of land promoted a 'hand to mouth' existence that precluded development. Dowson explained that the Arab cultivator 'will aim at extracting all he can from the land and will put nothing in it. He will exploit and impoverish it but will not develop it'. This verdict was reached without a thoughtful investigation of the perceived benefits of the system – such as stimulation of local co-operation and the non-alienation of village land, which gained new meaning in the context of Arab-Jewish relations – that were quickly dismissed as 'illusory'.⁴¹

The general and widespread condemnation of the *musha* system removed any context from its role as a cultural connection to the land. Neither did it take into consideration the extent to which it had actually evolved in response to market conditions, producing significant variation in the overall system where numerous smaller plots increased the ratio of labour to land in a land-scarce economy, facilitated Islamic inheritance laws, allowed peasants to spread risk, and cultivate both summer and winter crops.⁴² More recently, it has also been emphasised that as an institution *musha* did not preclude investment: both communal and individual development was possible, but was constrained by a lack of capital in the Palestinian economy.⁴³ A number of economic historians have reached the conclusion

³⁷ Amos Nadan, 'Failing to Aid: British Administrators and the Palestinian Peasants, 1922-1947', in Zach Levey and Elie Podeh (eds.), *Britain and the Middle East: From Imperial Power to Junior Partner*, (Sussex, Sussex Academic Press, 2007), p.77.

³⁸ Dowson, 'Preliminary Study of Land Tenure in Palestine', p.35.

³⁹ Sir Ernest Dowson, 'Report on the Progress in Land Reforms, 1923-30', November 1930, CO 733/221/4.

⁴⁰ See, for example, 'Report of the Land Commission', pp.22-7; 'Report of the Tithes Commission, 1922', CO 733/20, pp.120-1; Dowson, 'Preliminary Study of Land Tenure in Palestine', pp.33-41; Lewis French, 'First Report on Agricultural Development and Land Settlement in Palestine', 23 December 1931, CO 733/214/5, pp.25-32.

⁴¹ Dowson, 'Preliminary Study of Land Tenure in Palestine', p.37.

⁴² See, for example, Amos Nadan, 'Colonial Misunderstanding of an Efficient Peasant Institution: Land Settlement and Musha Tenure in Mandate Palestine, 1921-47', *Journal of the Economic and Social History of the Orient*, Vol. 46, No. 3, (2003), pp.320-54; or Scott Atran, 'Hamula Organisation and Masha'a Tenure in Palestine', *Man*, Vol. 21, No. 2, (June 1986), pp.271-95.

⁴³ Nadan, 'Failing to Aid', pp.78-83.

that the indebted state of the Arab peasantry reflected a lack of opportunities rather than non-rational behaviour.⁴⁴ The denunciation of *musha* can be seen as another example of the pervasive, yet self-justifying nature of colonial rule: the assertion that the system was 'backward' and that reform was urgently needed constituted a powerful rationale that justified British intervention against *musha* and, on a much wider scale, the existence of the mandatory administration.

The forced partition of *musha* land represented a significant intervention in Palestine's land regime. In the end, however, it was a slow process and British rhetoric that the case for reform was 'rarely so clear and compelling' was not matched by any particular urgency on the ground.⁴⁵ By 1930, for example, the amount of cultivable land held in *musha* had only been reduced to 46 per cent.⁴⁶ The disappointing progress was representative of wider delays in the land settlement process because of an uncoordinated use of government resources. The Survey Department, a new institution with limited funds, was purely concerned with mapping, whilst the Land Registry had to deal with competing goals: to continue to operate the registry and to attempt to introduce reforms into the incomplete system.⁴⁷ This led the Colonial Office to hire Sir Ernest Dowson, an expert on colonial land reform, to advise the mandatory administration on where it was going wrong. Dowson had made his reputation in Egypt, where he had been appointed as director-general of the land survey in 1909. He retired from the Egyptian colonial service in 1923, but continued to advise the Colonial Office on land issues in Palestine, Transjordan, Mesopotamia, and Zanzibar.

Dowson's expertise allowed him a much broader view of the land system in Palestine.⁴⁸ He agreed with the mandatory administration that agriculture was the 'only reliable basis for the establishment of healthy national economy', explaining that Palestine lacked any significant mineral wealth or industry.⁴⁹ Land reform was therefore one of the primary British duties in Palestine and Dowson's aim was to transform the 'native' agricultural economy for the good of the population. This would not only produce economic

⁴⁴ See Metzger, *The Divided Economy of Mandatory Palestine*, p.96; Kamen, *Little Common Ground*; Bunton, *Colonial Land Policies in Palestine*.

⁴⁵ Dowson, 'Preliminary Study of Land Tenure in Palestine', p.40.

⁴⁶ 'Palestine. Royal Commission Report', p.219.

⁴⁷ Dov Gavish, *A Survey of Palestine under the British Mandate, 1920-48*, (London, Routledge, 2005), p.108.

⁴⁸ See Sir Ernest Dowson, 'Preliminary Study of Land Tenure in Palestine', 'Covering Memorandum to the Report on the Land System in Palestine', and 'Report on the Land System in Palestine', CO 733/109.

⁴⁹ Sir Ernest Dowson, 'Notes on Land Tax, Cadastral Survey, and Land Settlement', MECA, GB165-0181, p.3.

benefits but also offer stability for the colonial state by increasing prosperity, which illustrated one of the core assumptions of trusteeship that economic development would mitigate political tension. Dowson provided a diagnosis of the 'sickness afflicting agriculture' that demonstrated how Orientalist tropes underpinned his thinking on the nature of Arab society. He argued that the problems in Palestine were the same as those in Egypt before British rule had transformed it from 'a semi-derelict, over-burdened, ex-Ottoman vilayet to a State with a well-founded self-sufficing economy': they were both characterised by a conglomeration of archaic land tenures, taxation of the 'medieval Moslem type', and 'starveling peasants' who lacked the initiative to improve the land and held fatalist ideas about their position on it.⁵⁰

Dowson advocated the removal of what he identified as the two main barriers to agricultural efficiency: an uneconomic system of land tenure and a prohibitive taxation regime. His ideas were informed by overarching sentiments of liberalism, rationalism, and utilitarianism which characterised the British approach to land reform.⁵¹ Only a comprehensive settlement process, which resulted in the definition of individual rights over land, could give the Arab peasantry the impetus to improve their position by investing in the land, whilst a fairer system of taxation and credit would alleviate long-term problems of indebtedness and provide the small cultivator with the means to improve his piece of land. It is arguable that the mandatory administration had already reached these conclusions by the time of Dowson's first visit to Palestine in 1923, but his reports provided a significant degree of coherence to the overall programme of British reform.⁵²

A firm conviction in the 'civilising' aspects of European-style land reforms was reflective of Dowson's wider, Orientalist beliefs in the superiority of Western culture. The aim of providing individual security of title was illustrative of his belief that communal arrangements for land cultivation, which were based on land use rights rather than absolute ownership, were inherently backward and had contributed to the dismal economic state of the country, as witnessed in his remarks about *musha*.⁵³ Yet he was a firm believer in the precepts of trusteeship and explained that it was 'the intention of the British Government and people, having set their hand to the plough as mandatories of the civilised world, to establish

⁵⁰ Ibid, pp.2-3.

⁵¹ Ibid, pp.10-14 and pp.15-21.

⁵² See, for example, 'Report of the Land Commission, 1920', pp.19-28, CO 733/18 and 'Report of the Tithes Commission, 1922', pp.122-5, CO 733/20.

⁵³ Dowson, 'Preliminary Study of Land Tenure in Palestine', p.11.

'The Land of Three Faiths' as a stable and self-sufficing political entity'.⁵⁴ Later, he stated that 'the mandate implies the tutelage of an irresponsible people... the mandatory administration [stand] in *loco parentis* to the mass of the indigenous population' and that it was therefore necessary to exercise a 'beneficent control' over the land system, which demonstrated how a significant degree of paternalism was also present in Dowson's approach to land reform.⁵⁵ Acknowledging the 'conservative' nature of the Arab population, Dowson supported an evolutionary approach to make change more palatable. His reforms were clearly directed towards the developmental aspects of trusteeship, but they were to be implemented 'considerately, even gradually' to ensure the local population was not alienated, which was consonant with the protective element of trusteeship. At base these comments were related to Orientalist understandings of the Arab 'mind', which Dowson explained needed 'stimulating':

The master key to economic success in Palestine is to be found, not in the development of material resources (e.g. harbours and communications although these aids are needed), not in the adoption of more scientific methods of cultivation, although these will establish and accentuate success as they are locally tested and assimilated, not even in the better conservation and use of the rainfall, which is probably the most important physical problem; but, as it was in Egypt and as it is everywhere else [in the Orient] in stimulating the individual enterprise of the mass of the population.⁵⁶

Dowson explained that land reform would mitigate the 'incurably listless and idle' nature of the Arab peasant, which means that changes to the land system can be seen as part of a broader attempt to transform the 'character' of Palestine's native inhabitants.⁵⁷

Dowson was critical of the slow pace of reform achieved by the mandatory administration and pointed to the disjointed attempts at surveying land and registering rights over it, as being chiefly responsible. As early as 1921, he had remarked that the mandatory government had not grasped the basic point that accurate land survey was the prerequisite for efficient land registration, and that, crucially, the two processes were inter-related.⁵⁸ In 1924, writing to the Colonial Office, he explained that the separate 'efforts to resolve the tangle of real rights in Palestine has pursued an independent path with the very natural result that after some six years occupation a systematic investigation and settlement of real rights has still to

⁵⁴ Dowson, 'Notes on Land Tax, Cadastral Survey, and Land Settlement in Palestine', p.52.

⁵⁵ Personal letter from Sir Ernest Dowson, 25 September 1937, Middle East Centre Archive, GB165-0092; Dowson, 'Report on the Land System in Palestine, 1925', p.8.

⁵⁶ Dowson, 'Report on the Land System in Palestine', p.4.

⁵⁷ Ibid, p.5.

⁵⁸ L.B. Weldon to Dowson, 3 February 1921, FO 141/686/9.

be planned'.⁵⁹ When he delivered his report on the land system in 1925, he stressed that the term 'land settlement' encapsulated the

Compound process of (i) definition of property rights, (ii) survey of properties and (iii) joint record, [all] of which is required. The strongest emphasis must be laid on the complementary nature of the two parts of the operation (i. and ii.) and that their united objective is the creation of an intelligible and reliable record, (iii) for subsequent use.⁶⁰

To expedite the reform process, Dowson recommended adopting the 'Torrens' system, which was named after its creator Sir Robert Torrens. First used in Australia in 1857, the system, Dowson explained, was 'now so widely and successfully applied, [that] when brought down to bedrock is simply an authoritative record of rights over land systematically based upon permanent cadastral or property survey'. He went on to explain that its advantage in 'primitive' countries was that its reliance on cadastral survey provided the only feasible way of intelligibly recording rights as the local population could not be relied upon in the registration process.⁶¹ The Torrens system called for an exhaustive record of rights within an area, including not only major rights of ownership or use but all minor rights such as lease, servitudes, charges, easements, and tax rates, through an investigation by land settlement officers who held judicial powers to decide claims on the spot.⁶² Dowson's ideas were finally brought together in the Land Settlement Ordinance of 1928. The process of land settlement was driven by the need to establish accurate land registers that would facilitate a liberal market in land but, as will be seen in the next section, it was also necessary so that the mandatory administration could delineate and utilise vacant 'state land' for the purpose of promoting economic development.

The Search and Disposal of 'Vacant' State Lands

The major aim of the Land Commission, which was established in August 1920, was to ascertain the extent of state land in Palestine and explore how it could be used to achieve greater productivity. At the same time, it had to ensure that the rights and interests of the existing Arab occupants were adequately safeguarded.⁶³ These aims reflected how both the developmental and protective aspects of trusteeship featured prominently in British plans to identify and dispose of 'vacant' state land. Yet if the objective of defining individual rights

⁵⁹ Dowson to Colonial Office, 21 August 1924, CO 733/85.

⁶⁰ Dowson, 'Report on the Land System in Palestine', p.19.

⁶¹ Ibid, p.24.

⁶² Dowson, 'Notes on Land Tax, Cadastral Survey, and Land Survey', p.35.

⁶³ Bentwich to Abramson, 19 August 1920, CO 733/18.

and creating an efficient market for land transactions was weighted towards addressing the developmental obligations imposed by trusteeship, the approach to state land was heavily influenced by the need to protect Arab interests. This was mainly because of the political context that surrounded the mandatory administration's position as a type of state 'landlord'. Colonial officials were very reluctant to be seen to be driving Arab cultivators from state land to make way for Jewish settlers.

In the covering memorandum to his first major report, Dowson remarked that the Palestine government possessed 'a dual capacity as custodian of public utility land of various kinds and as a steward of exploitable public domain'.⁶⁴ These twin roles produced a form of ambiguity because the priorities of the mandatory administration were caught between delineating and protecting its rights over state land and, on the other hand, encouraging close settlement and development on it. For budget-conscious colonial officials, who tended to view land in the public domain as a national asset, it was quickly decided that the role of 'custodian' was more important than that of 'steward', especially given the importance of the public domain to Palestine's inherited system of Ottoman land tenure.⁶⁵ The protection of government rights over state land also found justification through trusteeship in that it was preserving a legacy for any future administration of Palestine.

An effective bid at securing the rights of the mandatory administration to state land was inextricably linked to reform of Ottoman land law. Bunton has argued that the law regarding land was far less codified than is commonly perceived in the secondary literature, which is important because it means that British perceptions of the extant system are especially significant as officials sought to identify faults and correct them through legislative changes to land tenure.⁶⁶ The lack of a comprehensive survey or land registers meant that one of the primary duties of the Land Commission was to determine the nature and extent of unoccupied state land in Palestine. In its findings, the commission raised a major concern that, since the end of the First World War, significant areas of unoccupied state domain were being 'encroached' upon by Arab cultivators. However, not all of this was strictly illegal as under Ottoman law certain types of uncultivated land could be reclaimed and a title deed granted if a payment for the unimproved value of the land was made to the state.

⁶⁴ Sir Ernest Dowson, 'Covering Memorandum to the Report on the Land System in Palestine', 5 December 1925, CO 733/109.

⁶⁵ Bunton, *Colonial Land Policies*, p.30.

⁶⁶ *Ibid*, p.41.

Nevertheless, colonial officials feared that state land that they did not know even existed was being 'stolen' from them.

In its position as 'custodian', it was clear that the mandatory administration had to act to prevent what Dowson later termed 'illicit drains' on Palestine's resources.⁶⁷ In 1920, a *Mahlul* Lands Ordinance was passed and then, in 1921, a second ordinance, the *Mewat* Lands Ordinance, was introduced. The former required those who had encroached to inform the authorities and, in certain circumstances, it allowed for the possibility of a lease to be granted over the land, whilst the latter stipulated that consent would need to be sought before *mewat* land was reclaimed and that those who did so without consent could be prosecuted for trespass.⁶⁸ These measures had significant potential to disrupt the lives of Arab agriculturalists. A.L. Tibawi, an Arab official in the Palestine government, later wrote that the legislation deprived 'the poorest Arab cultivators of rights long enjoyed under the Turks', yet it seems this was not a major consideration for a mandatory administration that was dedicated to guarding 'its' rights over state land.⁶⁹ It is probable that part of the rationale was to ensure that there was at least some unoccupied state land to facilitate Jewish settlement, and therefore help to drive economic growth, but the overriding concern was that the mandatory administration was missing opportunities to take advantage of the rising value of land.⁷⁰

This legislative activity represented a fundamental misreading of the situation by British officials as reclaimed land did not pass permanently out of the public domain. In Palestine, there were two fundamental categories of land tenure: *mulk*, which was absolute land ownership that tended to relate to urban property, and land in the public domain, comprising the *miri*, *mewat*, *mahlul*, and *matruke* forms of tenure. This meant that the public domain constituted a significant element in the overall land system, but the key marker of property relations was not legal ownership of the land in itself – the *raqaba* – but ownership of the *tasaraf*, which was the right to use the land. The most prevalent form of land in the public domain was *miri*, where the *tasaraf* was permanently granted to the titleholder as a heritable right on the basis that the land was made productive and an annual tithe paid on it. As the legal ownership of this land remained vested in the state, if it was left uncultivated for three years the *tasaraf* could escheat to the state and it would become *mahlul* – or waste –

⁶⁷ Dowson, 'Preliminary Study of Land Tenure in Palestine', p.63.

⁶⁸ 'Report of the Land Commission', pp.2-3 and pp.15-6.

⁶⁹ A.L. Tibawi, *Anglo-Arab Relations and the Question of Palestine*, (London, Luzac & Co., 1977), p.469.

⁷⁰ Minute by Clauson, 18 July 1925, CO 733/107; see also Bunton, *Colonial Land Policies in Palestine*, p.30.

land.⁷¹ Instead of passing out of the public domain, reclaimed land was simply transformed into *miri* and made subject to the normal stipulations. The overarching principle of the power to reclaim land was to ensure that the total cultivated land area was maintained and expanded whilst a stream of taxation revenue was guaranteed for the state.⁷²

The confusion over reclamation was indicative of a wider British misunderstanding of the success that legislative intervention could have in achieving their goals of liberalising and rationalising the land system. As Bunton has suggested, colonial officials were forced to acknowledge early on in their attempt to make unoccupied state land available for Jewish settlement that a significant gap existed between 'local arrangements and legal doctrines' in Palestine.⁷³ The extent of the public domain and the mandatory obligation to promote 'close settlement' on it created an expectation amongst Zionist leaders that the Jewish national home would benefit from extensive grants of relatively 'cheap' land from the mandatory administration. However, these hopes were never substantially realised as British recognition of 'local arrangements' and the political context of its position as state 'landlord' ensured that colonial officials were especially reluctant to be seen evicting Arabs from state land to make way for Jewish settlers, even if those Arabs were 'illegally' cultivating the land. The principal result of this acknowledgment was that Samuel introduced a concept of 'moral' rights to protect the interests of Arabs who cultivated land in the public domain but lacked legal or prescriptive rights to do so.⁷⁴ Warwick Tyler has suggested that the recognition of 'moral' rights constituted a 'generous approach' by the mandatory administration, yet, in terms of trusteeship, it was difficult to construe evicting Arabs from state land as protecting their economic interests. Instead, the mandatory administration sought to establish security of tenure for them as the precursor to the development of their land.⁷⁵

The aim of conserving government rights over state land led Samuel to conclude that it should generally not be sold but made available on long-term leases.⁷⁶ State land that was available for settlement fell broadly into three main categories: *jiftilik*, a customary form of tenure created when land owned by the Ottoman sultan passed to the Ottoman government following the revolution in 1908, which in turn passed to the British administration as

⁷¹ Dowson, 'Preliminary Study of Land Tenure', pp.13-6.

⁷² Roger Owen, 'Introduction', in Roger Owen (ed.), *New Perspectives on Property and Land in the Middle East*, (Cambridge, Mass., Harvard University Press, 2000), px-xi; Bunton, *Colonial Land Policies*, p.36.

⁷³ Bunton, *Colonial Land Policies*, p.47.

⁷⁴ Samuel to Curzon, 23 December 1920, FO 371/6387.

⁷⁵ Tyler, *State Lands and Rural Development*, pp.21-2.

⁷⁶ Samuel to Curzon, 23 December 1920, FO 371/6387.

mandatory power; *mewat*, which was estimated to consist of roughly 60 per cent of the total country but was considered 'dead' land in that most of it was virtually unusable for pastoral agriculture; and *mahlul*.⁷⁷ During the 1920s, the mandatory administration had to make decisions over two areas of land that, although requiring significant development, had good access to water resources and were sparsely populated by their Arab occupants who were not utilising all of it.⁷⁸ The areas were a large tract of *jiftilik* land in the Beisan valley in the north-east, and an area of *mewat* land consisting of swamps and sand dunes in Athlit, Kabbara, and Caesarea along the central coastal strip of Palestine.

In September 1920, the Land Commission put forward its recommendation that the Athlit, Kabbara, and Caesarea (AKC) concession should be granted to the Palestine Jewish Colonisation Association, and the mandatory administration endorsed the agreement a year later in November 1921. Under the terms of the concession, the Association was to drain and desalinate the swamps in the Athlit and Kabbara regions to prepare it for intensive cultivation, and fix and afforest the shifting sand dunes of the Caesarea. Many aspects of the concession were seen to be in the public interest: the eradication of malaria, increased productivity, closer settlement and intensive cultivation of the land, improved government revenue through rents paid by the Association and agricultural taxation, and the fixing of the shifting dunes which threatened the railways and existing arable land.⁷⁹ This ensured that the Palestine government was keen to grant the concession to the Association, especially as the cost of afforestation was high and because the works were considered 'far beyond' the capabilities of the Arab occupants. This is an important point to note, as it illustrated how the mandatory government believed that Zionist settlement could be utilised for the overall benefit of Palestine by giving the *yishuv* projects that it believed local Arabs were unable to execute.

It was not long before difficulties with the agreement emerged. The major problem was that the government did not have vacant possession of the land it was trying to lease. It was occupied by about 800 semi-nomadic Arabs, who lived by extensively cultivating the land and grazing their animals on it, whilst supplementing their income through basket making from the reeds provided by the swamps. Much of the land was held in *matruke*, the chief characteristic of which was that ownership was inalienably invested in the state for

⁷⁷ Sir Ernest Dowon, 'Preliminary Study of Land Tenure in Palestine', 3 November 1925, CO 733/109; 'Report of the Land Commission', pp.5-9.

⁷⁸ Tyler, *State Lands and Rural Development*, pp.21-3.

⁷⁹ Samuel to Churchill, 13 July 1922, CO 733/23; and Tyler, *State Lands and Rural Development*, p.121.

public or communal interests.⁸⁰ Samuel considered it essential that any decision had to protect not just the legal rights of the occupiers but their moral rights as well. He suggested that the inhabitants of the land should not have to move unless proper provision for their settlement was made in some other part of the concession or elsewhere in Palestine. Three options were put forward by the high commissioner: a free title to land as near as possible to their present locality to ensure the same level of income, a sum of money equivalent to the capitalised value of their income, or employment by the association during the drainage operations and the grant of a free title to some of the drained land for intensive cultivation.⁸¹ The Colonial Office concurred with Samuel's ideas, suggesting that the safeguards 'should be framed in a generous spirit and afford real security for their future interests'.⁸² The Kabbara Arabs accepted the first option and, by 1930, had re-settled on 'better' land to allow for partial drainage of the swamps and settlement by the Jewish Colonisation Association. However, the Caesarea Arabs rejected all offers of settlement and the project became mired in delays and negotiations, some of which were still unresolved at the end of the mandate.⁸³

The concern for political expediency and for the mandatory administration to be seen as protecting the interests of Arab cultivators on state land was also demonstrated in its settlement project in the Beisan valley. The area was regarded by the Zionist movement as one of the most desirable tracts of state land in Palestine. The land covered about 240 square kilometres, was sparsely populated by its Arab occupants, and had excellent access to water resources.⁸⁴ Under the Ottoman empire, 'underhanded' tactics by the sultan had resulted in ownership of the land being transferred to him from the local Arabs, and so the mandatory administration inherited the lands under the customary *jiftilik* tenure. The Land Commission recommended that the tenants should be given the opportunity of gaining a tenancy in perpetuity for the land sufficient for their maintenance. In a rare departure from the principle of non-alienation of state land, the Beisan Agreement allowed Arab cultivators to purchase land through 15 annual payments in the hope that this would promote greater productivity by turning the semi-nomadic Arabs into a class of small landowners. The purchase price was 'somewhat less than the market value', but this was justified as addressing the moral rights of

⁸⁰ Dowson, 'Preliminary Study of Land Tenure', p.21.

⁸¹ Samuel to Churchill, 13 July 1922, CO 733/23; 'Report of Commission by H.C. Luke', 22 December 1922, CO 733/42.

⁸² Devonshire to Samuel, 17 January 1923, CO 733/27.

⁸³ Tyler, *State Lands and Rural Development*, pp.117-8.

⁸⁴ *Ibid*, p.49.

the Arabs who were already cultivating the land.⁸⁵ Samuel re-iterated that generous treatment of the cultivators would demonstrate that the mandatory administration was seriously interested in protecting their interests, and that this would consequently have 'great benefit for the future colonisation of the District'.⁸⁶ This again illustrated the predominance of the protective aspect of trusteeship regarding state lands, but it is also significant that the possibility for development was not ruled out. The hope was that after the Arabs' claims had been settled, there would be large areas of uncultivated land available for Jewish settlement.⁸⁷

By the time the Demarcation Commission had finished its work in 1932, it had already become apparent that there would no good, cultivable land left in the Beisan valley for close Jewish settlement and intensive cultivation.⁸⁸ Two-thirds of the land had gone to the Beisan Arabs who, under the purchase agreement, had been able to agglomerate large estates, whilst the remaining third was deemed uncultivable. The fragmented nature of the land system and the lack of a comprehensive survey meant that it was easy for the Arab cultivators to put forward claims to the land. Bunton has suggested that one of the major difficulties faced in trying to reformulate the system of public domain was a dependence on the specific knowledge of local cultivators, who were increasingly keen to assert what they viewed as their rights.⁸⁹ The Zionist movement itself was not opposed to the principle of providing the Arabs with a long-term settlement, but they argued that too much land was being allocated under the purchase agreement for the Arabs to effectively cultivate.⁹⁰ The Beisan Agreement was subject to later criticism from various government reports, which also held the view that too much land had been given away and that a significant opportunity for development had been lost.⁹¹

British efforts to protect the interests of the existing cultivators therefore prevented the mandatory administration from leasing any land in the Beisan Valley to the Zionist movement. Instead, they had to purchase excess areas from the Beisan Arabs at the market rate, which was nearly double the original price paid. By 1926, for example, ten per cent of the allotted land had already been sold, which partly vindicated the argument that too much

⁸⁵ Samuel to Churchill, 24 November 1921, CO 733/6.

⁸⁶ Samuel to Churchill, 23 July 1921, CO 733/4.

⁸⁷ Samuel to Churchill, 24 November 1921, CO 733/6.

⁸⁸ Chancellor to Passfield, 23 November 1929, CO 733/170/2.

⁸⁹ Bunton, *Colonial Land Policies in Palestine*, p.49.

⁹⁰ Tyler, *State Lands and Rural Development*, p.23.

⁹¹ Hope-Simpson, 'Report on Immigration, Land Settlement and Development', p.85; 'Palestine. Royal Commission Report', pp.259-262.

land had been given away in the first place.⁹² The contraction in the *yishuv*'s economy between 1926 and 1928 caused large-scale interest in acquiring land in the Beisan valley to fade.⁹³ The disposal of state lands thus demonstrated some of the overarching precepts of trusteeship: trying to promote development through creating opportunities for Zionist settlement, whilst mitigating that impact by safeguarding the economic rights and interests – both legal and ‘moral’ – of the existing cultivators on the land. When it came to state land, colonial officials were particularly sensitive to the political ramifications that evicting Arab tenants to make way for Jewish settlement would have, and so they tended to make ‘generous’ offers of settlement that in effect significantly impeded Zionist hopes for close settlement on state land. However, these offers were not just seen in protective terms: it was believed that providing security of tenure to Arab cultivators would create an incentive for investment in the land, which would help to drive development within the Arab economy. Efforts to protect Arab cultivators incumbent on the land became an increasing preoccupation of the mandatory administration after the outbreak of the Western Wall riots in August 1929.

Sir John Chancellor and the Protection of Cultivators

Through most of the 1920s, a focus on development had been the predominant factor in the British policy toward land transactions outside of state lands. This was demonstrated by the lack of concern expressed towards the failure of the land transfer ordinances passed in 1920 and 1921 to achieve their secondary purpose of offering protection to tenant cultivators. Palestine's third high commissioner, Sir John Chancellor, observed that ‘in practice, the Land Transfer Ordinance... did not, save possibly one individual case, secure, either for “tenants in occupation” or for persons “exercising customary rights” sufficient land for the maintenance of their families’.⁹⁴ In recognition of these realities, Chancellor decided to enact new legislation to bring the law into line with common practice, explaining that not only could the current law be evaded by landlords forcing tenants off the land before a sale took place, but that to require landlords to procure land in a different area for evicted tenants was a severe impediment of the right to dispose of their land. The high commissioner argued that offering a tenant monetary compensation instead of relocating him offered a better option as he could select the land that was the most appropriate for him.⁹⁵ The 1929 Protection of Cultivators Ordinance thus required that tenants would have to be provided with a year's notice and

⁹² Plumer to Amery, 20 May 1926, CO 733/114.

⁹³ Tyler, *State Land and Rural Development*, p.66.

⁹⁴ Chancellor to Passfield, 17 January 1930, CO 733/182/8.

⁹⁵ Ibid.

granted compensation for the disturbance and any improvements that had been carried out on the land.⁹⁶

The occurrence of the Western Wall riots, however, presented a significant challenge to the primacy of development and the facilitation of a liberalised land market. After the violence, the problem of 'landless' Arabs was accentuated in the minds of colonial officials. An examination of the political decision-making between 1929 and 1931 through the prism of land provides another opportunity to revise some of the historiography about this period. As with immigration policy, Zionist fears and Arab hopes that Britain would introduce stringent restrictions on land transfers, in a bid to confine Jewish settlement and abandon the national home project, seem to have distorted the historiographic record of the decision-making process by suggesting that British policy shifted from a pro-Zionist bias to a pro-Arab one, before Zionists in London managed to lobby the fragile minority government of Ramsay MacDonald to restore the status quo. Instead, it will be argued here that what Britain attempted was a re-balancing of its priorities between development and protection. The core assumptions of trusteeship remained intact and there was actually far less variation in the policy-making process than is commonly assumed.⁹⁷

The need to strengthen cultivators' protection against dispossession, which was advocated by the Shaw Commission, the Hope-Simpson Report, and the Passfield White Paper, has been described by Kenneth Stein as a 'frontal attack against the physical growth of the Jewish national home' that emanated from a high commissioner who held a 'personally strong anti-Zionist disposition'.⁹⁸ Whilst it is true that Chancellor had little sympathy for Zionism, this did not automatically equate to an ideologically motivated, anti-Zionist policy. Instead, his attitude to Palestine was probably more strongly informed by his paternal approach to its Arab inhabitants, after having served as a colonial administrator in Mauritius, Trinidad and Tobago, and Southern Rhodesia.⁹⁹ The interpretation that Chancellor was attempting to enforce a major change in British policy towards Palestine following the 1929 riots stems from a memorandum he submitted to the Colonial Office in January 1930. In it, he suggested that, on the basis of estimates about the total area of cultivable land and the minimum amount required to support the average Arab family, Palestine could not support a

⁹⁶ Bunton, *Colonial Land Policies*, pp.69-70.

⁹⁷ See, for example, Stein, *The Land Question in Palestine*, pp.80-6; Sheffer, 'Intentions and Results of British Policy in Palestine', p.45; Segev, *One Palestine, Complete*, pp.335-45.

⁹⁸ Stein, *The Land Question in Palestine*, p.82.

⁹⁹ See Evyatar Friesel, 'Through a Peculiar Lens: Zionism and Palestine in British Diaries, 1927-31', *Middle Eastern Studies*, Vol. 29, No. 3, (July 1993), pp.427-29.

larger population unless intensive methods of cultivation were widely adopted. The consequence of this was that if more Arab land was sold for Jewish settlement, then problems of landlessness would be seriously exacerbated. To guard against this, Chancellor controversially advocated a re-formulation of certain articles of the mandate to include a 'positive' expression of Arab rights so that, although continuing to offer broad support to the establishment of the national home, the mandate did not grant 'preferential treatment' to either the Arab or Jewish communities.¹⁰⁰

Chancellor's memorandum advocated some important changes to the way Britain should administer Palestine. However, he accepted the legitimacy of the Balfour Declaration and, if the document is assessed against the overarching themes of trusteeship, it can be seen not as a radical departure from previous policy by an 'anti-Zionist' high commissioner but a distinct attempt to give equal weight to the 'dual obligation' that was first enunciated in the 1922 White Paper. The high commissioner justified this on the grounds of

Showing the Arabs that Great Britain is no less mindful of her obligations to them than of her obligations to the Jews, and that she is equally solicitous for their interests and welfare... Taking long views as to the future welfare of Palestine, that policy would be no less to the interest of the Jewish inhabitants of the country than to the interest of the Arabs. Many of the wiser Jews have already expressed the view that the national home in Palestine cannot be permanently established under the protection of British bayonets.¹⁰¹

This statement can therefore be viewed as part of a broader attempt at re-balancing the developmental and protective aspects of trusteeship, and not as a policy to prevent all future Zionist settlement, which remained a fundamental method of driving economic growth. Chancellor explained that whilst Arab agriculture was being moved over to intensive cultivation, the Zionist movement would still be able to expand the national home on the large tracts of undeveloped land that it already possessed, which is a key point that is often overlooked in favour of the interpretation that the high commissioner wished to 'deal a blow to Zionism'.¹⁰²

The Colonial Office decided to keep Chancellor's proposals secret, as they did not want to influence the Shaw Commission while it was still in Palestine investigating the causes of the riots. However, in London, any suggestion of 'throwing up' the mandate for its

¹⁰⁰ Chancellor to Passfield, 17 January 1930, PREM 1/102.

¹⁰¹ Ibid.

¹⁰² Segev, *One Palestine, Complete*, p.335.

amendment was simply 'out of the question'.¹⁰³ The Colonial Office was reluctant to sanction a course of action that had the potential to undermine the overriding British justification for being in Palestine, which could have had ramifications for imperial strategy in the region. It was concluded by the Colonial Office that any changes could be made under the existing constitutional framework of the mandate and the 1922 White Paper, which demonstrates that both of these documents contained scope for varying interpretations depending on contemporary needs.¹⁰⁴ The Shaw Commission's report, which was received in March 1930, echoed the central thrust of Chancellor's memorandum. It explained that structural economic changes and a fast-growing Arab population meant that unless methods of intensive cultivation were widely adopted, Palestine would be unable to support a larger population without further displacement of Arab cultivators. Having decided that 'the outbreak of August last neither was nor intended to be a revolt against British authority', the commission concluded that there could 'be no doubt that racial animosity on the part of the Arabs, consequent upon the disappointment of their political and national aspirations and fear for their economic future, was the fundamental cause of the outbreak'.¹⁰⁵ The report advised that

If it be accepted that the conversion of large sections of those who are now cultivators of the soil into a landless class be, as we think, not only undesirable in itself, but also a potential source of disturbance, it is clear that further protection of the position of the present cultivators and some restriction on the alienation of land are inevitable.¹⁰⁶

The publication of the report caused 'a furore' amongst the Zionist movement, but its findings reinforced colonial officials' understanding of the need to try and re-balance their priorities under trusteeship; not least because they evoked anxieties about the proliferation of a discontented class of landless Arabs that could further threaten the stability of British rule.¹⁰⁷

At this point, the prime minister, Ramsay MacDonald, became involved in the decision-making process to try and minimise the impact on his minority government. After the colonial secretary met the prime minister, Passfield wrote to Chancellor explaining that, whilst they could not contemplate changing the mandate, they were ready 'to consider practical reforms in such matters as protection of agriculturalists'.¹⁰⁸ It was proposed that

¹⁰³ Minute by Beckett, 31 January 1930, CO 733/182/9.

¹⁰⁴ Minute by Williams, 31 January 1930, CO 733/182/9.

¹⁰⁵ 'Report of the Commission on the Palestine Disturbances of August, 1929', Cmd. 3530, March 1930, (London, HMSO, 1930), pp.149-50.

¹⁰⁶ Ibid, p.124.

¹⁰⁷ Sheffer, 'Intentions and Results of British Policy in Palestine', p.46.

¹⁰⁸ Passfield to Chancellor, 29 March 1930, CO 733/183/1.

some temporary legislation be enacted to strengthen the Protection of Cultivators Ordinance to allow the mandatory administration to prohibit land sales that would dispossess Arab cultivators while Sir John Hope-Simpson was carrying out his 'scientific' investigation into the findings of the Shaw Commission.¹⁰⁹ Chancellor prepared a Transfer of Agricultural Land Bill, which would replace the practice of paying monetary compensation by restoring the concept of minimum subsistence areas. It would also make all land transactions over 1,000 dunams conditional upon the high commissioner's consent, and give tenants the ability to challenge unfair increases in rent designed to force them to vacate land. These reforms were not particularly radical – they were actually just reviving aspects of the previous Land Transfer Ordinances – but the bill was never promulgated.¹¹⁰ The Colonial Office explained that it was caught between 'local requirements' and the prospect of further 'bitter controversy' with the Zionist movement in London, which was sensitive to any legislative change after the publication of the Shaw Commission report. Ramsay MacDonald was reluctant to force the matter with the House of Commons because he feared it might bring down his minority government.¹¹¹ In the end, domestic political considerations influenced short-term action and prevented any temporary laws from being passed, but the Colonial Office acknowledged that 'on the merits it is difficult to see what valid objections the Jews could raise to legislation of the kind proposed.'¹¹² In the longer-term, though, it is important to note that the core ideas contained in Chancellor's bill were neither discredited nor abandoned, and they formed the basis of future legislation in 1933.

Hope-Simpson's report, delivered in October 1930, built on the conclusions reached by the Shaw Commission. He stated that the mandatory administration had a clear duty in relation to the problem of dispossession: 'an active policy of agricultural development, having as its object close settlement on the land and its intensive cultivation by both *Arabs and Jews*'.¹¹³ This 'active policy' addressed both the developmental and protective obligations of trusteeship, but its three central elements were designed to promote a more even alignment between the two: the establishment of a development commission, an investigation into the landless problem to discover how many Arabs had been displaced and where they might be settled, and the introduction of legislation to create occupancy rights that

¹⁰⁹ Cabinet Memo by the Colonial Secretary, 27 March 1930, PREM 1/102; 'Palestine Statement with Regard to British Policy', Cmd. 3582, May 1930, (London, HMSO, 1930), p.8.

¹¹⁰ Transfer of Agricultural Land Bill, 29 March 1930, CO 733/182/8.

¹¹¹ Stein, *The Land Question in Palestine*, p.86.

¹¹² Colonial Office Note on 'Palestine: the Land Question', undated, PREM 1/102.

¹¹³ Hope-Simpson, 'Report on Immigration, Land Settlement, and Development', p.142.

would prevent tenants from becoming ejected.¹¹⁴ Whilst this policy was being implemented, it was envisaged – to the consternation of the Zionist movement – that transfers of land would only be permitted if they did not interfere with the plans of the authority responsible for development.

In private, Hope-Simpson wrote to Passfield to explain that he felt Britain was in serious danger of failing to carry out the terms of the mandate if it did not do more to protect the native population in Palestine. The absence of a sustained plan for land improvement by the mandatory administration had now ‘produced a serious state of affairs among the fellahin’, which had been made acute by the pressures of Zionist settlement. These remarks constituted another call to strengthen the protective aspect of trusteeship in order to preserve the British conception of Arab interests.¹¹⁵ Hope-Simpson explained that this was because

Palestine, at the moment, is a land with two main sections of the population. On the one hand, the Arab, in a large majority, chiefly an agricultural population, primitive in cultural practice, intelligent enough and most desirous to learn, but ignorant and devoid of the capital which is necessary for agricultural development. On the other hand, we have the Jew, intelligent, educated, forceful, with every advantage of ample capital and expert advice, and who, whatever his leaders may say for public consumption, is entirely unmoved by any consideration of what suffering may be inflicted on the Arab by the Jewish determination to create a Jewish State in Palestine.¹¹⁶

These binary images were, of course, crucial in shaping colonial attitudes in Palestine. The cultural ‘primitiveness’ of the Arab population tended to evoke paternalism; Hope-Simpson explained that ‘the helplessness of the fellah appeals to the British official with whom he comes in touch’. Yet the ‘intelligent, educated, and forceful’ Jew produced a feeling of ambivalence in British-Zionist relations, which was atypical of most colonial situations. Indeed, Hope-Simpson suggested that ‘the offensive self-assertion of the Jewish immigrant is, on the other hand, repellent’.¹¹⁷ It is important to note how categorical thinking like this, which was derived from Orientalism, provided the underlying context for Hope-Simpson’s recommendations: the ‘ignorance’ of the Arab population meant that colonial officials’ duty to ‘instruct’ it in universal values, such as liberalism, rationalism, and utilitarianism, remained intact; but it was now necessary for the mandatory administration to ‘protect’ the

¹¹⁴ Ibid, pp.143-9.

¹¹⁵ Hope-Simpson to Passfield, 18 August 1930, CO 733/193/1.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

Arabs from the Jews who were using their 'ample capital and expert advice' to exploit the transmission of these values for their own ends: the creation of a Jewish state.

Regardless of the domestic political context, the British government could not, in the long-term, ignore the findings of both the Shaw Commission and Sir John Hope-Simpson on the extent of land available for cultivation. The Passfield White Paper was published shortly after the Hope-Simpson report and stated that previous estimates that Palestine contained a total cultivable area of between 10 and 11 million dunams were too optimistic: the total was actually nearer to 6.5 million dunams. It was thought that for an Arab cultivator to maintain his family to a decent standard on unirrigated land about 8 million dunams of cultivable land would be required, which reinforced the assertion that for future Zionist settlement to take place a policy of intensive development would be needed.¹¹⁸ It also estimated that of the 86,980 rural Arab families nearly 30 per cent were 'landless', although it was not known how many of those had been dispossessed as a consequence of Zionist land purchases. As will be seen in the next section, this would be an important point for the investigation into Arab landlessness, as the mandatory administration decided to help only those that had been directly displaced by Zionist settlement. In view of this, it was suggested that any state land that was unoccupied would have to be held back for the purpose of resettlement.

The White Paper endorsed the 'active' policy that Hope-Simpson had called for and explained that

It will be the endeavour of His Majesty's Government, not only by the present statement of policy but by the administrative actions which will result from it, to convince both Jews and Arabs of their firm intention to promote the essential interests of both races to the utmost of their power, and to work consistently for the development, in Palestine, of a prosperous community, living in peace under an impartial and progressive Administration.¹¹⁹

This was far from advocating the termination of Jewish growth in Palestine or the withdrawal of British support for Zionism. The White Paper referred to the benefits that Jewish settlement brought to Palestine, stating that

It would be unjust to accept the contention, which has been advanced in the course of the controversy regarding relations between Jews and Arabs in Palestine, that the

¹¹⁸ 'Palestine Statement of Policy by His Majesty Government in the United Kingdom', Cmd. 3692, October 1930, (London, HMSO, 1930), p.16.

¹¹⁹ Ibid, p.4.

effect of Jewish settlement upon the Arab population has in all cases been detrimental to the interests of the Arabs.¹²⁰

It continued:

It is for this reason fortunate that the Jewish organisations are in possession of a large reserve of land not yet settled or developed. Their operations can continue without break, while more general steps of development, in the benefits of which Jews and Arabs can both share, are being worked out.¹²¹

In September 1930, the Cabinet Committee on Palestine reported that Zionist reserves of land in Palestine constituted about 125,000 acres, which it estimated would be enough to meet Jewish settlement requirements for the next five years without displacing any Arab cultivators.¹²² Whilst these measures may have implied some potential restriction on Zionist growth in the future, they should not be seen as a radical departure from established policy that completely prevented further Jewish settlement in Palestine.

The letter sent from MacDonald to Weizmann in February 1931 has traditionally been viewed as a document that 'cancelled' the Passfield White Paper and restored British policy to the *status quo ante*.¹²³ This interpretation relies on a belief that the Passfield White Paper sought to fundamentally remove British support for Zionism in Palestine, which, as has been shown, it did not. It was a conciliatory document, so it is unsurprising that its tone sought to allay some of the Zionist movement's concerns. The letter recognised that 'the constructive work done by the Jewish people in Palestine has had beneficial effects on the development and well-being of the country as a whole'. Furthermore, it stated that the obligation to settle landless Arabs on state land 'in no way detracts from the larger purposes of development, which His Majesty's Government regards as the most effectual means of furthering the establishment of a National Home for the Jews' and that the White Paper 'did not imply a prohibition of acquisition of additional land by Jews'.¹²⁴ These remarks were seen as political victories by the Zionist movement, but closer scrutiny demonstrates that the letter confirmed that the substance of Hope-Simpson's recommendations would be carried forward. It explained that 'in framing a policy of land settlement, it is essential that His Majesty's Government should take into consideration every circumstance that is relevant to the main purposes of the Mandate', which was an oblique acknowledgment of the need to re-align the

¹²⁰ Ibid, p.17.

¹²¹ Ibid, p.18.

¹²² Second Report of the Cabinet Committee on Policy in Palestine, 29 September 1930, PREM 1/102.

¹²³ See, for example, Stein, *The Land Question*, pp.129-132; Segev, *One Palestine, Complete*, p.337.

¹²⁴ MacDonald to Weizmann, 13 February 1931, MECA, GB165-0058.

balance between the developmental and protective aspects of trusteeship by giving more protection against dispossession to Arab cultivators. It confirmed that a development plan was needed to bring new areas into cultivation that would secure a better standard of living for Arab peasants; that there would be an inquiry into landless Arabs; that the authority responsible for carrying out that development would be given 'regulative' controls over land transactions; and that the high commissioner would have 'full powers to take all steps necessary to protect the tenancy and occupancy rights... throughout Palestine'. These measures represented the culmination of a process that began in the aftermath of the 1929 riots after which Britain gave a significant degree of thought to how it could ensure that it was discharging its obligations under trusteeship to protect both Arab and Jewish interests.

The Development Department, the Landless Arab Inquiry, and the Protection of Cultivators, 1931-1933

In July 1931, the British government elaborated on the 'active' policy of development it had in mind for Palestine. To oversee its implementation, it confirmed that Hope-Simpson's recommendation for the creation of a development department within the mandatory administration that was to report directly to the high commissioner and assume responsibility for all land survey, settlement, and development operations in Palestine would be carried out. The development of agricultural land and the re-settlement of displaced Arabs were to be complementary operations. The director of the new department, Lewis French, delivered his first report in December 1931. It focused predominantly on long-term solutions to the problems of Arab dispossession, stating that five preconditions were necessary before a concerted scheme for development could be carried out: the acceleration of survey operations; the continued partition of *musha*; the establishment of a land administration agency; government control of land intended for development; and government control of water supplies in those areas.¹²⁵ Once these conditions were in place, the mandatory administration could start to acquire land from Arab cultivators, develop it for intensive agriculture, and then hand back smaller, more productive parcels so that landless Arabs could be re-settled on the surplus areas. French's preconditions were designed to create 'durability' in land tenure and prevent further landlessness, as well as address existing problems.¹²⁶

¹²⁵ Lewis French, 'First Report on Agricultural Development and Land Settlement in Palestine', 23 December 1931, CO 733/214/5, pp.1-19.

¹²⁶ Stein, *The Land Question in Palestine*, p.164.

The proposals for agricultural development were centred on the extension of irrigation throughout Palestine to transform the 'traditional' dry farming methods of the Arab peasantry.¹²⁷ Such development would be costly: the Cabinet Committee in September 1930 considered one scheme for £7 million and another for £3.1 million, before deciding on Hope-Simpson's plan for £2.5 million.¹²⁸ This was designed to settle 10,000 dispossessed Arab families over a period of ten years. The funding for the development department was to be made available via a loan from the British government. However, in the summer of 1931 the allocation of this money was 'postponed' amidst concerns over the stability of the pound, which had fallen in value by more than a quarter after it had been taken off the gold standard in September.¹²⁹ Instead, French was to be handed an initial budget of £50,000 to formulate his plan, and begin development operations and the re-settlement of landless Arabs. Given the ambitious nature of the development plans, this was a meagre amount of money with which to achieve its aims. Financial constraints, therefore, had a significant effect in limiting the development department's activities and were ultimately responsible for the mandatory administration's failure to successfully re-align the '*laissez-faire*' aspect of trusteeship that promoted development with the paternal element that obliged colonial officials to protect the standing of native Arab cultivators.

The reduction of the department's budget meant that French's long-term proposals were unwelcome in the Colonial Office. The colonial secretary epitomised the position taken in London:

Taking a long view and given time and money French's prerequisites may be desirable ideals at which to aim with a view to the attainment of a maximum of prosperity and of efficiency in administration... At the moment what is wanted is concrete proposals for (a) the resettlement of displaced Arabs and (b) development with a view to Jewish colonisation both to be on the smallest scale compatible with the attainment of useful results as an immediate palliative of grievances, and must be had regard to the probability that the funds which in the near future can be made available will be greatly reduced.¹³⁰

The worldwide deterioration of economic conditions during the early 1930s provide a clear example of how financial constraints imposed from the exchequer in London could take priority over the needs derived from British trusteeship over Palestine. The long-term nature of French's proposals was not the only unwelcome aspect of his first report, which had

¹²⁷ Hope-Simpson, 'Report on Immigration, Land Settlement, and Development', p.143.

¹²⁸ Second Report of the Cabinet Committee on Policy in Palestine, 29 September 1930, PREM 1/102.

¹²⁹ Stein, *The Land Question*, p.137.

¹³⁰ Cunliffe-Lister to Wauchope, 15 January 1932, CO 733/214/5.

claimed that Zionist settlement in Palestine had been 'nationalising' land contrary to Article Six of the mandate. He expressed fears that the Zionist movement was planning to divert water resources in the Beisan district, in an attempt to displace the Arab cultivators settled there. French was also critical of Arab landowners, suggesting that 'capitalist' *effendis* had been responsible for evicting Arabs in the hill districts of Palestine to speculate on land and sell it for Jewish settlement.

French's reports examined the main causes of Arab displacement with great precision: Jewish demand for land had continuously driven up prices over the decade, which had made sales increasingly profitable for Arab landlords who procured further land from the Arab peasantry, evicted whoever was cultivating it, and then sold it on for a profit to the Zionist land purchasing agencies. However, whilst such conclusions had formed the underlying context of the Shaw Commission, the Hope-Simpson Report and the Passfield White Paper, French's report was deemed too inflammatory and explicit in its denunciation of both Arabs and Jews. Cunliffe-Lister, the colonial secretary, advised Wauchope that he should ask French to resubmit his first report, omitting or modifying the passages 'which might give offence'.¹³¹ French's proposals would have constituted a significant intervention against the liberalising approach to land transactions. It is clear that French was more heavily influenced by obligations to protect Arab cultivators from dispossession. Yet this approach, with the development department assuming control of all land transactions, came up against the vested interests of the both the Jewish Agency and Arab notables who had been able to take advantage of a relatively unencumbered land market.¹³² The Colonial Office was reluctant to engage in further political controversies after the experiences of 1929-31, particularly as the idea conflicted with its developmental strand of thinking.

The lack of enthusiasm for an expensive, long-term development project was not only justified on the basis of concerns about the instability of the world economy. The underlying constraints of the financial context served to structure the investigation into landlessness in a manner that removed the urgency that had surrounded the problem after the Western Wall riots. Given the fact that there was a very limited amount of unoccupied state land that might be used, it was mooted that the project would inevitably involve land purchases and might even require the expropriation of uncultivated land. This created a fear amongst the Zionist movement that its undeveloped land would be targeted for this purpose and so it set about

¹³¹ Ibid.

¹³² Stein, *The Land Question in Palestine*, p.165.

confining the scope of the landless problem. British and Zionist interests therefore converged in ensuring that very few Arabs found themselves officially classified as 'landless'. The wording of the Black Letter constituted the framework for the investigation: it explained that a 'landless' Arab would be defined as

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.¹³³

This wording was important for two reasons: firstly, Arab cultivators were usually evicted from the land before it was sold, which meant the land passed vacant into Jewish hands and therefore was not covered by the definition; and secondly, many Arabs who were displaced moved to urban centres for employment, which provided a growing source of jobs as Jewish immigration increased during the 1930s, meaning they could be described as having found a 'satisfactory occupation'.

Once its budget had been reduced, the Jewish Agency decided that it had nothing to gain from co-operating with the development department. In political terms, it only stood to lose if the landless investigation concluded that Jewish settlement was the sole factor driving dispossession. The Jewish Agency pressured the mandatory administration to make sure that whoever was appointed as the legal assessor to the development department would adhere to the narrow definition embodied in the MacDonald letter. However, because of its record-keeping on land purchases, the Jewish Agency was also able to play a direct role in the assessment of claims. The mandatory administration was forced into this position because of the incomplete state of land registration and its belief that verbal evidence submitted by Arab claimants would be unreliable. The extent to which this influence was used in a malign way is unknown. The process for deciding a claim involved initial scrutiny by the legal assessor, who would then decide whether it warranted checking against the records of the Jewish Agency.¹³⁴ Initially, the Cabinet Committee on Palestine had postulated that 10,000 Arab families would be re-settled but, in the end, only 899 were added to the landless register; by the outbreak of the Arab rebellion in 1936, just 74 had been re-settled on land provided by the development department.

¹³³ MacDonald to Weizmann, 13 February 1931, MECA GB165-0058.

¹³⁴ Stein, *The Land Question in Palestine*, p.155.

With the scheme for intensive development 'postponed' and the investigation into landless Arabs completed in a politically expedient manner, all that remained for the development department to do was to propose legislative measures to protect Arab cultivators from further dispossession. The intention had been to give the development department centralised control of all land transactions but, without the development scheme in place, there was little justification for introducing such sweeping controls. After being asked to resubmit his report, French's supplementary report was delivered in April 1932. It followed the Colonial Office's guidance to concentrate on measures that were inexpensive and could be introduced at short notice. French suggested that 'for the future the truth that prevention is better than cure should be held up as the guiding principle', which would preclude the need for 'heavy expenditure' in the long-term.¹³⁵ The draft proposals for legislation encompassed two measures: a Homestead Protection Ordinance and an Occupancy Tenants Ordinance.¹³⁶ The first was designed to prevent small owner-occupiers from selling minimum subsistence areas. French justified this principle of 'inalienability' by contrasting it against the practice of the Jewish National Fund when it 'nationalised' the land it purchased and the legal provisions that existed for *waqf* religious endowments. Yet the Colonial Office – ever mindful of the economic benefits that it thought a liberal and efficient land market could create – was apprehensive of restricting the individual right to dispose of land. Cunliffe-Lister explained that 'no legislation should at present be passed preventing the owner-occupier from disposing of his land... [as it] would be difficult to justify such an interference with the right of landowners to dispose of their property'.¹³⁷ Bunton described such meddling as 'the Rubicon that the Colonial Office... was desperately trying to avoid crossing', which meant that British efforts became directed at permanently bolstering the position of tenant cultivators.¹³⁸

Despite the limited number of Arab families placed on the landless register, the Colonial Office was still cautious about exacerbating the problems of dispossession and the effect on public order that it might have. In his second legislative proposal, French suggested that tenants should be given occupancy rights that built on the recommendations made by Chancellor in January 1930. However, French was removed from his position in May 1932 after leaking a summary of his two reports to a *New York Times* correspondent. The British government had been hoping to keep French's reports unpublished, but after learning of this

¹³⁵ Lewis French, 'Supplementary Report on Agricultural Development and Land Settlement in Palestine', 20 April 1932, CO 733/214/8, p.45.

¹³⁶ Ibid, p.49.

¹³⁷ Cabinet Paper presented by the Colonial Secretary, 1 February 1933, CO 733/234/3.

¹³⁸ Bunton, *Colonial Land Policies in Palestine*, p.85.

'leak', Wauchope was forced to relieve him of his duties.¹³⁹ It took until November to appoint a successor to French, but the major points of his second proposal were brought forward in the 1933 Protection of Cultivators Ordinance. This law stipulated that a tenant could gain occupancy rights through the cultivation of land, which lessened the need for a formal agreement, and that as long as tenants were making the land productive, a landlord would have to relocate any tenants before he wished to sell or give them substantial notice and compensation at a rate fixed by the mandatory administration.¹⁴⁰

The promulgation of the 1933 Protection of Cultivators Ordinance marked the final British attempt at trying to re-align the balance between encouraging economic development through the facilitation of a land market and protecting the standing of the native population. By 1933, the economic situation in Palestine had begun to change as a consequence of the increasing rate of Jewish immigration. On the one hand, the mandatory administration was reluctant to impede any potential growth by unnecessarily preventing land transfers; but, on the other, there were also expanding opportunities for urban employment that could help to provide jobs to landless Arabs. However, much of the rural Arab peasantry remained in a state of indebtedness. Those that managed to hold on to their land witnessed the economic output of agriculture fall dramatically during the early 1930s as bad harvests decimated yields and cheaper imports served to drive down prices. The alleviation of problems like these, as will be demonstrated in the next section, was a fundamental purpose of British land reform in Palestine.

Credit, Taxation, and Rural Indebtedness

Despite the failed plan for intensive agricultural development, the mandatory administration was not indifferent to the problems of Arab poverty. The Palestine government tried to address the causes of Arab indebtedness by reforming the systems of credit and taxation, but only within its overarching liberal, rational, and utilitarian views on how to create economic growth. The other elements of land reform, such as land settlement, the efficient use of state land, and the facilitation of property transactions, were all aimed at stimulating a general economic revival so that credit could be made cheaper and more accessible and that taxes

¹³⁹ Stein, *The Land Question in Palestine*, p.170.

¹⁴⁰ H.H. Trusted to Colonial Secretary, 11 May 1933, CO 733/234/3.

would become less punitive and encourage individual endeavour.¹⁴¹ These changes would gradually allow the Arab cultivator to 'escape' from his chronic state of indebtedness, and give him the means with which to invest in his own land.¹⁴² In 1930, Hope-Simpson estimated that the average debt per Arab family was £27, close to its annual income, with interest being charged at a staggering rate of around 30 per cent per annum.¹⁴³ Effective reform was hindered by colonial priorities. For example, taxation was an important source of revenue for the mandatory administration and as Palestine was expected to 'pay its own way', the government was reluctant to alter 'traditional' practices that made tax collection more expedient yet were often viewed as standing in the way of development. The mandatory administration was also disinclined to sponsor an agricultural loans bank as it believed that its position as creditor could lead to unfortunate political consequences if it had to enforce collection on defaulted loans. In the end, conflicting priorities like this meant that British rule did little to alleviate the poverty of many Arab cultivators before the outbreak of rebellion in 1936.

The importance of agriculture to Palestine's economy has already been stated. Dowson explained in his first report of November 1925 that it was 'by universal admission in a very unhealthy state'.¹⁴⁴ His diagnosis was that the whole industry was heavily overtaxed by an archaic and complex system: a fundamental legacy of Ottoman misrule that the mandatory administration needed to transform under the obligations imposed on it by trusteeship. The main form of agricultural tax was the tithe, which consisted of a percentage of the crop given to the state in the form of a cash payment. One of Samuel's final acts was to request permission from the Colonial Office to reduce the tithe from 12.5 per cent to 10 per cent, which it reluctantly accepted as a sign of goodwill.¹⁴⁵ The major problems of the tithe were that the incomplete land registers meant that valuations varied from place to place; that around eight per cent of the revenue collected had to be spent on assessment; and, perhaps most importantly, that by assessing the tithe on the village's threshing floor, it taxed not only the actual product but ignored the costs of production as the crop still had to be transported to

¹⁴¹ See, for example, E. Sawyer, 'Review of the Agricultural Situation in Palestine', 16 March 1922, CO 733/46, pp.1-12; 'Report of the Tithes Commission', 27 February 1922, CO 733/20, p.119; Dowson, 'Progress in Land Reforms, 1923-30', November 1930, CO 733/221/4, pp.4-6.

¹⁴² Dowson, 'Covering Memorandum', pp.4-5; C.F. Strickland, 'Report on the Possibility of Introducing a System of Agricultural Co-Operation in Palestine', 21 August 1930, CO 323/1071/14, pp.1-2.

¹⁴³ Hope-Simpson, 'Report on Immigration, Land Settlement, and Development', pp.67-8.

¹⁴⁴ Dowson, 'Notes on Land-Tax, Cadastral Survey and Land Settlement in Palestine', p.4.

¹⁴⁵ Samuel to Amery, 27 February 1925, CO 733/110.

market and sold.¹⁴⁶ Other taxes on agriculture included the *aghnām*, a tax on livestock, and the *werku*, a 'house-and-land tax', which was notoriously inaccurate because there was no reliable record of its distribution and little re-assessment had been carried out by the Ottoman government.¹⁴⁷

These forms of taxation were far too complex and unwieldy for colonial officials who favoured a rational system based upon a reliable record of tax liabilities. As Bunton has explained, it was often the case that a colony's main source of taxable wealth was the land itself. Usual practice was to base a colony's revenue capacity on an efficient system of land registration.¹⁴⁸ This was aimed at making the tax burden more manageable for the local population, but another dimension of this preference for 'rationalisation' was to facilitate colonial rule. The more 'knowledge' that the colonial state could gather, the easier it was to exert power on a subject population; in this case by increasing its ability to tax the local population. The overriding aim of British reform was to replace the various taxes it inherited with a single tax for agricultural land. However, until a comprehensive programme of land settlement had been carried out, the mandatory administration was forced to perpetuate the Ottoman taxes to ensure a steady stream of revenue, regardless of their deficiencies.¹⁴⁹

In the interim, the Palestine government attempted to lessen the burden imposed by the existing system. In 1927, the tithe was commuted so that the assessment was fixed on a four year basis.¹⁵⁰ This would provide the cultivator with a reason to try and improve his land; it encouraged higher yields that would not be subject to tax.¹⁵¹ The idea of creating a financial incentive can be seen as a prime example of Dowson's policy of 'stimulating' the population to help improve the agricultural economy. However, it was acknowledged that fixing the tithe formed 'an untrustworthy character' as the basis of village taxation because it failed to accommodate changes in the value of agricultural production.¹⁵² When agricultural prices crashed in the wake of the 1929 world depression, cultivators in Palestine were particularly badly hit with prices declining in some instances by a half. This forced the

¹⁴⁶ Colonial Office Minute, 23 May 1924, CO 733/68; Bunton, *Colonial Land Policies in Palestine*, p.143.

¹⁴⁷ Dowson, 'Notes on the Abolition of the Tithe and the Establishment of a Land-Tax in Palestine', April 1928, CO 733/152/1, pp.19-20.

¹⁴⁸ Bunton, *Colonial Land Policies in Palestine*, p.132.

¹⁴⁹ 'Report of the Tithes Commission', March 1922, CO 733/20, p.119; Dowson, 'Report on the Land System of Palestine', p.20.

¹⁵⁰ See J. Johnson, 'Report of the Average Tithe Committee', 28 July 1926, CO 733/135/1.

¹⁵¹ 'Report of the Tithes Commission', p.119.

¹⁵² Dowson, 'Notes on the Abolition of the Tithe', p.18.

mandatory administration to remit significant proportions of the tithe to help Arab cultivators survive.¹⁵³

The commuted tithe was only ever regarded as a provisional measure until something else could be put into place. In the short-term, it was 'justified by its success in removing the grosser evils of tithe collection'.¹⁵⁴ Dowson was instrumental in making amendments to the commuted tithe that resulted in the creation of a rural property tax that came into force in 1936. It was heavily influenced by his general preferences for land reform: rational and utilitarian to ease the plight of indebted cultivators by creating a consistent tax that would allow for long-term planning. Dowson suggested that the principle of taxation should be based on gross agricultural production; not on the possession of land.¹⁵⁵ His solution was the creation of a single 'block land tax' where land was classified in blocks of approximately uniform quality, graded on a scale according to productivity, and then taxed accordingly. This would create a consistent approach to help improve agricultural yields, but was also fairer because it ensured that tax liabilities were governed by an ability to pay.¹⁵⁶ These dual aspects provide another example of how the developmental and protective elements of trusteeship informed the mandatory administration's approach to land reform.

An important aspect of the rural property tax was its reliance on 'traditional' structures and practices. Despite the fact that colonial officials held the institution of *musha* in universal disregard as an obstacle to agricultural and economic progress, the block assessment of land was compatible with this communal system where Arab cultivators were constantly grading the quality of land for the purposes of re-distribution. The widespread prevalence of *musha* facilitated a swift fiscal survey for the purposes of implementing the new tax, and in villages where land was no longer held as *musha* it was thought the practice would be largely familiar to the inhabitants. The reliance on *musha* for the purposes of rural taxation can therefore be seen as indicative of a wider trend in taxation policy. As Bunton has suggested, 'the desired expediency in the collection of as much tax as possible, in such a way moreover that did not unduly disrupt the stability of social structures... outweighed the stated ideals regarding property rights'.¹⁵⁷ Despite colonial rhetoric about the need to reform native structures, when these structures could be used to help increase the efficiency and expediency

¹⁵³ Hope-Simpson, 'Report on Immigration, Land Settlement, and Development', p.72.

¹⁵⁴ Dowson, 'Report on the Progress of Land Reforms', p.12.

¹⁵⁵ Dowson, 'Notes on the Abolition of the Tithe', p.19.

¹⁵⁶ Bunton, *Colonial Land Policies in Palestine*, pp.152-3.

¹⁵⁷ *Ibid*, p.170.

of taxation they were widely seen as useful, which is a good example of the competing priorities between advancing trusteeship and maintaining the colonial power base.

If the burdensome and uneven state of taxation in mandatory Palestine could be regarded as offering little scope to escape from indebtedness across the period, then the lack of credit facilities exacerbated the problem, especially after the general fall in agricultural prices after the First World War as Palestine became increasingly sensitive to fluctuations in the world economy.¹⁵⁸ As credit facilities dried up during the course of the 1920s, Arab cultivators were increasingly forced to turn to moneylenders who charged high rates of interest. The subsequent rise in land prices made it tempting to sell off land to pay off debts or taxes, which exacerbated political problems of dispossession and landlessness.

Despite the recognised need for credit facilities, the military administration decided to liquidate the main institution through which agricultural credit was delivered under the Ottoman regime, the Ottoman Agricultural Bank, as its funds were removed and records disrupted during the war.¹⁵⁹ The administration continued to collect the portion of the tithe – around £76,500 – that funded the agricultural bank, but chose to pay it into the general revenues of the administration. Following the disruption of the war, the military administration arranged a deal with the Anglo-Egyptian Bank to advance small loans to it which could then be distributed to cultivators in desperate need of seed, live-stock, and essential agricultural implements. The civil administration, whilst recognising a ‘moral obligation’ to advance some means of agricultural credit, continued this temporary measure only until 1923.¹⁶⁰ At the time it was argued that such loans were only to be suspended whilst the government investigated setting up an agricultural mortgage bank.¹⁶¹ The proposed bank did not materialise in the 1920s due to lack of funding, which provides another example of how financial constraints could limit the scope of activities called for under the obligations of trusteeship.¹⁶²

Regardless of funding, a cautious Colonial Office envisaged that any bank would need government sponsorship and that this would leave it in a difficult position. One official minuted that:

¹⁵⁸ Smith, *The Roots of Separatism in Palestine*, pp.14-5.

¹⁵⁹ See, for example, ‘Report of the Land Commission’, p.29; or Dowson, ‘Report on the Land System in Palestine’, pp.11-2.

¹⁶⁰ Chancellor to Passfield, 11 January 1930, CO 733/184/10, pp.2-3.

¹⁶¹ Samuel to Devonshire, 9 November 1923, CO 733/51.

¹⁶² See R. El-Eini, ‘The Agricultural Mortgage Bank in Palestine: The Controversy over its Establishment’, *Middle Eastern Studies*, Vol. 33, No. 4, (October 1997), pp.751-76.

Political pressure on Government to increase advances and be lenient about security and repayment is always brought to bear eventually. At times of agricultural crisis when Government would be most in need of funds it might be impossible to recover principal or interest. Foreclosure on mortgages would lead to further slump in values. Colony would then be left to meet debt charges from general revenue.¹⁶³

There was, however, slightly more to this reasoning than not wanting to assume responsibility for the debt charges. It was also influenced by the precepts of trusteeship in that a government-sponsored bank might sacrifice long-term economic efficiency for short-term political expediency. It was acknowledged that the incomplete process of land settlement would hamper the issue of loans, as security of title was regarded as a vital pre-requisite and the incomplete process of settlement would mean credit would be available to some but not all.¹⁶⁴

After the riots of 1929, the question of credit was once again raised and linked to the overall problem of dispossession that had gained much political attention. In his report, Hope-Simpson proposed the creation of co-operative credit societies as an essential preliminary to the development of Arab cultivation.¹⁶⁵ C.F. Strickland, an expert from the Indian Civil Service, was engaged to advise the mandatory administration on this possibility. His report echoed Colonial Office sentiments about the undesirability of an agricultural bank and advanced the further argument that a private financial institution would be unsuitable as a board of commercial directors could not 'exercise that continuous supervision or possess that detailed knowledge, which the temperament of the Arab borrower renders desirable'.¹⁶⁶ Strickland's recommendations on how to improve the indebted state of the Arab cultivators were clearly in line with ideas of trusteeship, but they were also predicated heavily on Orientalist notions of the Arab 'character': particularly its 'weakness', 'instability', and 'fatality':

The difficulty will be the character of the Arab peasant. So long as his outlook on life is hopeless and his attitude towards his fellow villagers is one of suspicion, he will seldom be loyal to a marketing association... Stability of character is a plant of slow growth, but without it there is no hope of freeing the peasant permanently from the debt which he has learned to regard as inevitable.¹⁶⁷

¹⁶³ Colonial Office Minute, 30 November 1928, CO 733/192/7.

¹⁶⁴ Dowson, 'Report on the Land System in Palestine', p.11.

¹⁶⁵ Hope-Simpson, 'Report on Immigration, Land Settlement, and Development', p.150.

¹⁶⁶ C.F. Strickland, 'Report on the Possibility of Introducing a System of Agricultural Co-Operation in Palestine', 21 August 1930, CO 323/1071/14, p.24.

¹⁶⁷ Ibid, p.3.

Paternal ideas of 'forming' the Arab character to develop this 'stability' were to be one of the main benefits of the co-operative society:

The first essential therefore for the organisation of the Arab fellah is to provide him with current resources through a cooperative credit society, leaving the clearance of his major debt to a later time, to form his character slowly in such a society during a term of years, train him to watch his expenditure and submit it to the criticism of his fellow members, to be punctual in payment, and to be loyal to his society rather than to those creditors who are the cause of his afflictions.¹⁶⁸

Alongside the more visible transmission of 'universal' property values, the modification of 'character' along these lines can be seen as an integral part of the British tutelage under the ethos of trusteeship.

There were other benefits to co-operative credit societies than addressing the flaws in the Arab 'character' that particularly appealed to the Colonial Office. They would not be particularly expensive to establish as they would deal in short-term credit raised through the societies themselves, with a minimal initial injection of capital from the mandatory administration. They would also have the advantage of not requiring security of title as the basis of an agreement would be on local knowledge of 'character' within the societies themselves. Strickland argued that co-operative societies were one of the primary methods by which an 'Asiatic country' could successfully absorb the 'European influences' of the mandatory administration.¹⁶⁹ As an institution, he argued, it had been tested in parts of Africa and India; its success in those places was reflected in the eventual ordinance of 1933, which contained provisions from the legal systems of Madras, Bombay, Tanganyika, and Burma.¹⁷⁰ Where Palestine differed was that the native population required 'direction' in the institution by a registrar who would promote and organise the societies; another instance of trusteeship being exercised through the tutelage of British colonial officials. It was also acknowledged that several successful Jewish co-operative societies were in existence that were 'vigorous and very creditable', demonstrating that the Jewish community enjoyed far more substantial access to agricultural credit, and its advantages, than the Arab community. In line with cultural perceptions of the Zionist community as well-versed in European traditions and

¹⁶⁸ Ibid.

¹⁶⁹ Ibid, p.4.

¹⁷⁰ See 'Notes on the Draft of a Co-Operative Societies Ordinance', CO 733/233/7.

consequently more advanced, their societies were held to be sufficiently proficient as to require no guidance from the mandatory administration.¹⁷¹

Despite a belief in the necessity of co-operative credit societies – Strickland described them as ‘the only chance of getting a more contented and peaceful atmosphere amongst the Arabs’¹⁷² – the initial reaction to them was tentative at best. The Registrar reported in 1933 that fourteen societies had been organised, but that he required more manpower, stressing ‘the necessity for constant and prolonged education, inspiration and control in the initial period of the co-operative movement among backward and largely illiterate Arabs’.¹⁷³ By 1935 it was reported that 60 societies had been established that had been useful in mitigating debt, but the limited take up must be seen as an indicator of the continued limited nature of credit facilities under the mandate and the wider British failure to alleviate problems of Arab poverty.

Conclusion

The overarching aim of British land reform in Palestine was to introduce liberal and rational changes in pursuit of the utilitarian goal of increasing economic productivity and raising prosperity. Yet British reform between 1920 and 1936 had limited success in achieving these goals. The most significant impact of British land policy was that it created the framework in which the Zionist movement could legally acquire land for the national home. However, this was never the primary aim of the mandatory administration, nor did it provide the justification for the changes Britain made to the land system. One of the key measures was the creation of an efficient land market to facilitate transactions that put uncultivated land into more productive hands. In his study on colonial land policy, Bunton explained that this was part of a wider attempt to increase the importance of private property. This approach was predicated on the belief that a comprehensive register of accurately recorded individual rights would create security of tenure, which would not only make land transactions more expedient but also serve as the precursor to investment in the land.

The consequence of this was that it made property easier to sell and therefore contributed to the growing problem of Arab displacement. The mandatory administration was able to ignore the fact that its legislation designed to offer protection to tenants had failed

¹⁷¹ Strickland, ‘Memorandum on the Co-Operative Societies Ordinance’, 15 March 1933, CO 733/233/7.

¹⁷² Colonial Office Minute, 18 June 1931, CO 733/199/5B.

¹⁷³ Hathorn-Hall to Cunliffe-Lister, 8 October 1934, CO 733/252/7.

because vested interests on all sides were largely in favour of a less regulated land market: Arab landowners could take advantage of rising prices; tenant cultivators were offered, in their eyes, large amounts of compensation to vacate land; and the Zionist movement needed an agricultural base to establish the national home. By contrast, the approach to state land was more weighted in favour of protecting Arab interests. The political context was the overriding issue here as colonial officials did not want to be seen to be driving Arabs from state land to make way for Jewish settlers. The original intention had been that the Zionist movement would be given surplus state land that required development where this was beyond the capability of the local population, although the Arab community proved itself able to exploit the fragmented system and British concerns to stake their claim to the majority of the 'good' state land.

The dramatic outbreak of violence at the Wailing Wall in August 1929 forced officials to confront the reality that the Jewish national home had grown to such an extent that further expansion would have a deleterious effect in the form of further Arab displacement. This became a major concern for Britain as it feared the creation of a sizable class of discontented Arabs who might rebel against the colonial state. This drove the Colonial Office to re-align the balance between the developmental aspect of trusteeship, which sought to promote economic growth through liberal and rational land reforms, and the protective element, which attempted to mitigate any negative impact of those reforms on the position of the native population. This in itself was not a radical departure from previous policy. The 1922 White Paper had explained that Britain held a dual obligation towards Palestine and that the expansion of the national home could not come at the expense of the Arab population.

At the time, Lord Passfield argued that 'there has been a good deal of propaganda hostile to His Majesty's Government tending to misrepresent their actions'.¹⁷⁴ This misrepresentation has been carried forward into the historiography of this short period, which is reflective of the fact that it has been difficult to analyse British policy outside of the confining, binary forms of either pro-Zionist, anti-Arab or anti-Zionist, pro-Arab perspectives. The domestic political context certainly influenced the timing and the method in which these policy announcements were made, yet there was a fairly linear and logical progression from one to the next. British policymakers remained committed to the national home, but at the same time they acknowledged that under the obligations imposed by

¹⁷⁴ Passfield, Memorandum on Future Policy in Palestine, 10 August 1930, PREM 1/102.

trusteeship they needed to take greater action to protect the interests of the Arab population from further dispossession.

The development department that emerged as a result of the attempt to re-align the two aspects of trusteeship has to be regarded as a failure. This was predominantly because the British government did not want to commit to such a project at a time when world-wide financial instability was having an impact on the British economy. Yet this occurred during a period when Arab agriculture in Palestine was experiencing its own problems; bad harvests combined with falling prices to make the position of the Arab cultivator even more precarious. British changes to taxation and credit had little effect in alleviating these problems and the obligations imposed by trusteeship were constrained by colonial priorities like maintaining a healthy tax base so the colony could 'pay its own way'. This was a major reason for the changing dynamic of land sales that saw more small owner-occupiers forced into selling their land to meet their financial obligations, which, along with rising levels of immigration, created the main impetus for the outbreak of the Arab rebellion in 1936.

Education

During the mandate, control over education was an asset prized by all of the communities in Palestine. The British preference, derived from their own experiences of the private school and Oxbridge system, was to uphold an ideal of education that was both politically and ideologically neutral yet could provide for the development of 'character' and the growth of civic responsibility. Clearly, these ideals contained a political and ideological consistency of their own, but they supplied both a method and an underlying case for the transformation of local structures. For both Jews and Arabs, however, education was always placed in its political context as a powerful tool for developing national consciousness. In the Zionist case, the aim was to shape a cohesive 'Hebrew' nation from diverse Jewish immigrants. From the Palestinian Arab perspective, the schoolroom was a key place to disseminate the values of a national movement that contested mandatory rule and Zionist settlement in Palestine. The issue of control was a contentious and highly politicised aspect of mandatory rule. In the British view, the question was connected to the wider debate about self-government, which meant that the debate was crucially structured by British cultural preconceptions about the capability of the Arab and Jewish communities to run their own affairs. The result of this was that responsibility for the majority of Arab education became vested in the mandatory administration, which was limited in both content and capacity by British concerns and priorities, whilst the *yishuv* was given the scope to construct its own system along political and national lines with minimal interference from the Palestine government.

Education policy has not featured prominently in the historiography on British rule in Palestine, in spite of the fact that contemporaneously it was regarded as one of the most important public services. Given the political significance attributed to it, and the fact that the ostensible basis of at least half of the mandate was to provide tutelage to an 'immature people', the comparative lack of attention paid towards what was viewed as a vital issue is surprising. Apart from the memoirs and studies of those who worked in the Department of Education¹, the main analyses of education during the mandate have come through short articles or chapter excerpts but these have not offered a particularly thorough or critical

¹ See, for examples, Humphrey Bowman, *Middle East Window*, (London, Longmans, 1942); and A.L. Tibawi, *Arab Education in Mandatory Palestine*, (London Luzac and Co., 1956).

analysis of British education policy.² Major exceptions to this are a chapter by Ylana Miller³ that examines both the cultural and political underpinnings of British views on education in the rural Arab context and an unpublished PhD thesis by John Harte that explores the role of history teaching under the mandate.⁴

British officials promoted a narrowly utilitarian view of education. The basic aim of the government system was to expand access to basic forms of education in order to improve rates of literacy amongst the Arab population and develop agricultural technical and vocational practices. The mandatory administration was keen to avoid advanced forms of 'literary' education, which meant that the focus on elementary schooling came at the expense of secondary or higher forms of education as it was believed that the transmission of a 'literary' education would exacerbate trends of migration from the village to the town. Yet British concerns over security were also a prevalent factor because officials thought that the proliferation of an educated class would be more likely to become discontented with mandatory rule and engage in anti-colonial politics. British priorities for education were also influenced by financial constraints. The major concern for the mandatory administration was to devote its resources to improving Arab Muslim education. As the Zionist authorities were deemed capable of controlling and developing their own system of schools, the Palestine government consistently tried to limit its financial liability for Zionist education so that it could attempt to meet the growing Arab demand for schooling.

Education connected to the precepts of trusteeship in a fundamentally important manner. Jerome Farrell, who became deputy director of education in 1927, even went as far as suggesting that that the provision of education formed the underlying rationale of the entire mandatory system:

It may be argued that a mandatory function is in the broadest sense an educative function; that the education of an immature people is not merely the training of its officials in the details of administrative routine but rather the general development of character, sense of duty and social unity.⁵

² For examples, see Shepherd, *Ploughing Sand*, Ch. 4: 'Patching up Palestine'; Segev, *One Palestine, Complete*, pp.258-9, pp.354-8, and pp.389-2; or Rachel Elboim-Dror, 'British Educational Policies in Palestine', *Middle Eastern Studies*, Vol. 36, No. 2, (April 2000), pp.28-47.

³ Miller, *Government and Society in Rural Palestine*, ch. 6.

⁴ John Harte, *Contesting the Past in Mandate Palestine: History Teaching for Palestinian Arabs under British Rule, 1917-1948*, (unpublished PhD thesis; School of Oriental and African Studies, University of London; 2009).

⁵ Farrell, Memorandum on the Reports of the Local Government Commission, 21 April 1925, ISA 2/0/1/273.

Both the developmental and protective aspects of trusteeship were relevant for the government education system. Colonial officials held a firm belief in the transformative power of education, particularly when it came to ideas of ‘reshaping’ the Arab character. This would help to prepare the next generation to participate more responsibly in self-government through the growth of, in Farrell’s words, ‘a sense of duty and social unity’. Yet British officials were also keenly aware of the potential that education had for social dislocation. The popular belief in the Arab community was that education conferred sufficient power to achieve political aspirations and social mobility but this type of thinking was anathema to colonial officials who sought to strictly regulate access to and content of it in order to promote stability and protect the structure of Arab society.⁶ The aim of this chapter is to explore how these priorities combined with trusteeship to shape British thinking on education in Palestine. To do so, this chapter is divided into three sections: the first will explore the emergence and development of the government education system; the second will examine the effect of British control on Arab education; and the third section will chart the relationship between the mandatory administration and the Zionist education system.

The Development of the Government Education System

Early British efforts at developing a government education system were influenced by the legacy of Ottoman education, the re-working of the *millet* system, and the financial constraints that were placed on the Department of Education. Prior to the British occupation, there were various types of school in Palestine, including Ottoman state schools, private Muslim *kuttabs* that specialised in teaching the *Qur’an*, Zionist and non-Zionist Jewish schools, and Christian missionary schools. During the mandate, schools were categorised as either public or private but there were further sub-divisions along communal lines and the politicisation of education did much to ensure that schools were fragmented both religiously and linguistically. The government system catered for the majority Arab Muslim population by taking over the Ottoman state schools and a large number of the private Muslim schools. In time, however, the distinction between public and private became increasingly blurred as the Zionist schools of the ‘Hebrew’ system became recognised as public in return for a greater share of government funding. Through the early years of the mandate, these educational arrangements developed on an ad hoc basis until a bill to formalise the situation

⁶ Miller, *Government and Society in Rural Palestine*, p.97. See also Farrell to Bowman, 21 April 1925, ISA 2/0/1/273; Wauchope to Cunliffe-Lister, 9 April 1932, CO 733/224/11; Bowman, *Middle East Window*, pp.251-4.

was put forward in late 1927. This section will chart the emergence of this communal system of education and explore the contentious issue of control in the government school system.

The modern Ottoman system of education emerged in 1869 during the Tanzimat reform period. It was based on the French model of elementary, secondary, and higher stages but, apart from provincial centres like Jerusalem, it made slow progress into the remote, outlying parts of the empire. The few state run schools that existed were concentrated in major towns and taught through the medium of Turkish, which made them undesirable to many who sought to use the Arabic language as a cornerstone of identity.⁷ The education department of the mandatory administration found these Ottoman schools to be 'ill-organised' with 'unsatisfactory' methods of teaching that made the schools ineffective and unpopular with the local population.⁸ Of course, as Harte has suggested, the idea of an educational 'dark age' under the Ottomans was convenient for colonial officials who were keen to legitimise their own vision.⁹ Nevertheless, this idea contributed to a substantive belief that a 'complete reorganisation' of the inherited Ottoman system was necessary.¹⁰

The influence of foreign intervention in the holy land, which had been instrumental in the creation of the *millet* system, created a significant disparity in the educational opportunities offered by the Ottoman state and the private schools that existed in Palestine. After the first and second *aliyah*, there was a growing network of Zionist and non-Zionist Jewish schools, like those of the Anglo-Jewish Association and the French *Alliance Israélite*, whose aim was to educate the children of the extant *yishuv* and the newly settled immigrants. Like Jewish children, most Christians were also provided with some form of instruction by either their own religious authorities or missionary bodies, both of which had tended to have links with European powers, which protected them against British interference. This pattern of inclusion continued well into the mandate: in 1929, for example, there were 191 Christian schools (nearly half were of the missionary type) that educated 11,917 Christian Arab pupils.¹¹ In the same year, the government system provided schooling to 18,411 Muslim Arabs, but the Christian element accounted for just an eighth of the total Arab population.¹² Of interest is the fact that nearly 2,000 Muslim Arab pupils attended Christian institutions, which was probably a reflection of the relative sophistication of the Christian schools and the

⁷ Khalidi, *Palestinian Identity*, p.50.

⁸ Department of Education Note on Education in Palestine, 1920-1929, CO 733/168/12, p.4.

⁹ Harte, *Contesting the Past in Mandate Palestine*, p.61.

¹⁰ Bowman, *Middle East Window*, pp.253-4.

¹¹ Department of Education Note on Education in Palestine, 1920-1929, CO 733/168/12, p.20

¹² Hope-Simpson, 'Report on Immigration, Land Settlement, and Development', pp.24-5.

limited nature of the government system but could also be taken as an illustration of Muslim-Christian solidarity in the face of British attempts to use a communal paradigm to control Arab society.

The need for a comprehensive overhaul of the inherited Ottoman system was constrained by the finite resources of the mandatory administration. Bowman explained in his memoir that the first responsibility of his department was to assume control over its 'heritage' of 'Turkish state schools' and adapt them to 'modern conditions'.¹³ In theory, these government schools were open to all communities in Palestine but the fact that instruction was changed to Arabic and that the syllabus included the teaching of the *Qur'an* meant that, in practice, Jews and Christians rarely entered the government system.¹⁴ It might be thought that the education system was an ideal arena in which to nurture some form of Arab-Jewish co-operation, yet this idea was never seriously considered on a wide scale. William Ormsby-Gore, as assistant under-secretary of state for the colonies, minuted that whilst an 'avowed aim was to get Jew and Moslem to work together and develop a Palestinian consciousness', he understood that 'there would always be duality in Palestine' between them.¹⁵ The difficulties of trying to establish a single joint school highlighted the futility of the exercise when both communities recognised that education was connected to their national futures. In the early 1920s, for example, the Colonial Office was bequeathed £100,000 in the will of a wealthy British Jew of Iraqi origin, Sir Ellis Kadoorie, for the opening of schools in Iraq or Palestine. Both Samuel and Bowman saw this as an opportunity to establish an institution 'of fundamental importance in advancing the welfare of the country': a secondary school run on British-lines, open to Jews and Arabs, where English would be the main language of instruction.¹⁶ However, they were forced to bow to pressure from Zionist leaders who wanted separate institutions so that the Hebrew language could unite the Jewish community.¹⁷ This was hardly a surprise, but Sir John Shuckburgh still concluded that the Jewish attitude was 'narrow and unreasonable'.¹⁸ Instead, the mandatory government decided to set up two

¹³ Bowman, *Middle East Window*, p.254.

¹⁴ In 1929, for example, the government system had 72 Jewish and 2,325 Christian pupils. See Department of Education, 'Note on Education in Palestine, 1920-1929', CO 733/168/12, p.20

¹⁵ Minute by Ormsby-Gore, 18 September 1926, CO 733/115.

¹⁶ Samuel to Devonshire, 20 April 1923, CO 733/44.

¹⁷ Samuel to Devonshire, 21 January 1924, CO 733/63.

¹⁸ Shuckburgh to Samuel, 20 February 1924, CO 733/63.

specialist agricultural schools, one Arab and one Jewish, although officials lamented the missed opportunity.¹⁹

The establishment of a communal paradigm for education was confirmed when the mandatory administration decided not to bring the Jewish or Christian schools under the direct control of the Department of Education. It wanted to avoid a confrontation with the various foreign powers and missionary bodies that operated schools in Palestine, whose rights were later enshrined in Article 15 of the mandate. Financial exigencies were also a significant aspect of this decision. Bowman explained that 'the Jewish community were jealous of their rights; and did not readily brook advice, still less administrative interference'. Without giving the schools 'heavy financial aid', the mandatory administration was 'not in a position to resist' their independent status. The disparity between what colonial officials viewed as Muslim education on the one hand and Christian and Jewish education on the other led them to believe that under the obligations imposed by trusteeship their primary responsibility was to improve Arab Muslim schooling. The director of education stated that 'it was clearly our duty to spend where it was most urgently needed. The Jews had considerable funds at their disposal'.²⁰ The mandatory administration therefore opted to perpetuate the autonomy of 'non-government' schools and offer them limited support through an annual grant-in-aid rather than taking on complete administrative and financial responsibility.

These decisions were underpinned by the cultural preconceptions of British officials. Bowman, who had experienced the problems of colonial education policy in the Sudan and Iraq, explained in his memoirs that 'in Palestine, we had the far greater problem of a dual race; one old-fashioned, conservative and largely illiterate; the other educated, socialistic, and burning with enthusiasm for all things new.'²¹ This binary image formed the underlying premise for most British policy in Palestine, but its effect on education was to centralise control over the majority of Arab schooling in British hands on the grounds that the Arabs were not capable of administering their own system. By contrast, the 'superiority' of the *yishuv* allowed the mandatory administration to give it significant autonomy: Bowman explained that it had 'the advantage of an almost wholly literate population; brought up for

¹⁹ Bowman, *Middle East Window*, pp.263-5. See also 'The Kadoorie Bequest', CO 733/129/2.

²⁰ Bowman, *Middle East Window*, p.254.

²¹ *Ibid*, p.251.

the most part in Europe or under European traditions, and capable of evolving their own system of education'.²²

The difficulties of handing control to Arabs was highlighting by the distribution of positions within the Department of Education itself. When discussing a proposed re-organisation of the office in August 1922, Samuel recognised the desirability of giving one or two 'high grade posts' to Arab Muslims as part of his general strategy to conciliate local opinion but insisted that for the foundations of education 'to be well and truly laid' it was essential that the director and deputy director were 'Englishmen'.²³ British control over Arab education was therefore justified through trusteeship as in the Arab interest. This type of attitude served to hold back the promotion of George Antonius. A Christian Arab who had held the post of assistant director since 1924, he was educated at Victoria College, Alexandria and then at King's College, Cambridge; had close connections to various Arab notables; and believed himself to be Bowman's natural successor. However, in 1927 Jerome Farrell was promoted over him to the position of deputy director and Antonius was surreptitiously transferred to the Secretariat whilst he was engaged on diplomatic duties in Egypt and the Hejaz. Unsurprisingly, he was bitter at this treatment and repeatedly requested to return to his old department. He was eventually granted his request in October 1929, only to be given a post that was tantamount to a demotion. Frustrated at the discrimination against him, he resigned from the mandatory administration in May 1930 and went on to write one of the classic texts on Arab nationalism, *The Arab Awakening*, which was published in 1938.²⁴ Throughout the mandate, the main executive positions that controlled the government system, including director, deputy director, senior education officer, supervisor of technical education, and senior inspector were always held by British officials.²⁵

Despite a clear delineation between the British controlled government system and private schools that could exercise autonomy, there was no formal instrument that regulated this position or the powers of the Department of Education. After the failure of Samuel's constitutional proposals, a commission was created in December 1923 to consider how local forms of autonomy could be used to advance self-government. Whilst given a broad remit, the Local Government Commission focused mainly on education and pushed the question of

²² Ibid, p.254.

²³ Samuel to Churchill, 6 August 1922, CO 733/24.

²⁴ The story of George Antonius is told in the Oxford Dictionary of National Biography, see <http://www.oxforddnb.com/view/article/75899>, accessed on 31/08/2010.

²⁵ See, for example, Department of Education Annual Reports for 1929-30 and 1934-35, CO 814/1 and CO 814/4.

control to the forefront of the agenda for education policy.²⁶ The commission, under the chairmanship of Sir Ronald Storrs, was plagued by delays as its members found it hard to meet regularly and some had to be replaced.²⁷ It submitted an interim report in June 1924 that contained some tentative proposals on health and public works, but devoted most of its attention to examining how education could be used to meet the demand for local self-government. Its main idea was to create two groups of separate but identical machinery to administer both Arab Muslim and Jewish education. It proposed that functions carried out by the Department of Education, including control over the budget, curriculum, and employment of teachers, could be devolved to a central education council. Beneath this controlling body there would be a number of district education councils that would collect local taxes for education, maintain and provide new school buildings, and carry out regulations passed by the central council.²⁸ The Department of Education would undertake an advisory role. These proposals represented the most significant attempt to change the pattern of control over education into a more equal, unified method of administration for Jews and Arab Muslims, although significantly the commission did not advocate changing the communal structure on which the existing system was based.

The idea of establishing a central council to oversee education produced many of the same dilemmas that had attended the creation of a legislative council, such as the number of official members, the powers it would have, the safeguards that would be needed, and the question of whether to elect or nominate the non-official component. The interim report offered some suggestions on these points: it recommended a nominated, non-official majority with supervisory powers invested in the high commissioner and director of education. However, unlike the proposals to establish a legislative council, the report did not offer a comprehensive evaluation of the benefits and disadvantages involved other than to suggest that the influence of the official members would be 'very real' and would help to ensure it was a compliant body that would not embark on a 'settled policy of opposition to the Government'. The lack of detailed consideration given to the financial aspect of the proposals was indicative of the hurried nature of the report. It suggested that devolving responsibility for education could result in a decrease in government expenditure as local bodies could generate revenue through their own taxation. Without considering the capacity for a heavier

²⁶ Clayton to Thomas, 18 July 1924, CO 733/71.

²⁷ Interim Report of the Local Government Commission, 2 June 1924, p.4, CO 733/71.

²⁸ Ibid, pp.23-7.

tax burden, the report suggested that the extra strain would be borne 'less grudgingly' by the population if they knew it was going towards education.²⁹

The proposals contained in the interim report quickly provoked opposition. As director of education, it was not surprising that Bowman was against a scheme that would diminish the position of his own department by devolving its most important functions to a central council that did not even have an official majority. He argued that, as interest in schools was heavily localised, the district education councils would constitute an irrelevant layer of bureaucracy and would require a set of sub-district councils to ensure that the local population remained interested in the scheme for devolution. He also expressed considerable doubt as to the local authorities' ability to raise enough money to meet the teachers' wage bill. Bowman's reservations over a central education council were even stronger: he questioned whether it would serve 'any good purpose' and doubted that it would be possible to find suitably qualified members with 'technical' expertise of education – again demonstrating British beliefs about Arab administrative incapacity. If an elected council for education had to be created, Bowman recommended that the official members should hold a majority, and that 'complex' issues like setting the curriculum and the management of secondary schools should be left in the hands of his department.

The director of education was not, however, completely opposed to some delegation of responsibility. It was simply far less than that envisaged by the Local Government Commission. Bowman's ideas about the lack of Arab capability and the difficulties of raising sufficient local taxes to make the commission's proposals feasible led him to suggest an alternative proposal of creating some local authorities but only devolving 'material services' to them, which would entail raising local funds for the construction and repair of buildings, provision of furniture, and the supply of books and equipment for schools in their area.³⁰ In the Colonial Office, Edward Keith-Roach, who was on secondment from the mandatory administration, concurred with Bowman's suggestions but framed the view from London in more explicit and pragmatic terms: the proposals would create a 'cumbrous machine' that would 'crush' the education department, produce more work for the secretariat by having it adjudicate the inevitable disputes between the central council and education department, and

²⁹ Ibid, p.27.

³⁰ Bowman to Storrs, 19 May 1924, CO 733/90.

place a bigger financial burden on the already overtaxed population in return for a nominal say in the running of local schools.³¹

In February 1925, the Local Government Commission submitted a second report that elaborated on its initial proposals for devolution, particularly the financial aspects of the scheme. They maintained that local bodies needed to be endowed 'with the substance, and not only the shadow, of authority and responsibility' so that trusteeship could be advanced and the population gain valuable experience in self-government. The second report explained that its proposals for devolution had the advantage of 'general equality of treatment' towards Arab and Jewish education in advocating identical forms of administrative machinery. The plans had also evolved in response to the initial criticism that was directed at them. Palestine would be divided into eight 'education areas' centred on the major population areas (Gaza, Hebron, Jerusalem, Jaffa, Nablus, Tulkarm, Haifa, and Safad), each with its own district council, which would have the authority to set up town or village commissions responsible for the 'material services' that Bowman suggested. It was also acknowledged that the district education councils would need to receive a subvention from the mandatory administration to supplement their income. This undermined assertions that the scheme would result in a reduction of central government expenditure. An argument that was made still less plausible by the fact that the Department of Education would also need to hire new inspectors to cope with the added workload from the Jewish schools that would come under the purview of full government inspection.

The proposals appeared excessively bureaucratic when compared against the existing system. The report envisaged that there would need to be an Arab and Jewish central council, eight Arab and four Jewish district councils, and numerous village commissions to make the parallel machinery acceptable to both communities. The councils would also have official members in addition to a government officer presiding over them. This was deemed 'essential to the success of the scheme', but again illustrates how the delegation of authority was always circumscribed by some form of supervisory oversight. Speaking of the 'broader aspects' of the scheme, the report noted that it might 'entail an increase in cost and, possibly, a falling off in efficiency' yet, in the commission's view, this was acceptable because devolution would meet 'a real and widespread demand' and would 'give the people an effective share in the management of the public services', which it claimed was in keeping with the spirit and letter

³¹ Minute by Keith-Roach, 4 August 1924, CO 733/71.

of the mandate.³² In terms of trusteeship, the commission argued that the development of self-government displaced concerns about the loss of administrative efficiency.

A wider array of officials commented on the more detailed proposals contained in the second report, including officials from the treasury and the district administrations. Their near unanimous opposition ultimately led to the plans being abandoned, but the debates were particularly illuminating in demonstrating British attitudes to both education and trusteeship, and, indeed, the purpose of the mandate more generally. The major criticism was that the proposals were an 'unnecessary complexity' and unsuitable for both communities.³³ The Zionist Executive, which already had an organisational structure for its schools, would resent the interference from the mandatory administration and, given the consensus they could already manage their own system, the proposals were redundant. Eric Mills, a district official, suggested that the 'complete dichotomy' between Jews and Arabs meant that the new system of organisation would leave the Arabs in a 'hopeless' situation because they could not be expected to cope with managing their own education to the same level as the Jewish community.³⁴ Even one of the commission's members, Sidney Moody, agreed with this assertion and submitted a minority report that questioned the desirability of altering the existing system. Moody explained that as the Arabs were 'not on the same cultural level as the Jewish community', it was imperative 'that the Government should take especial care of Arab education'.³⁵ His statements carried with them the implication that, even with safeguards, the Arabs would not be sufficiently capable of controlling their own education system. Perceived Arab incompetence had, of course, long become the standard argument to justify British control in Palestine. Moody was also concerned that the extra layers of bureaucracy would render the work of district officers less effective, which demonstrated his paternal understanding of the British role in Palestine. He explained that 'it is generally recognised that nothing can be done in a village, and very little in a town, without the persuasive personality of the District Officer' and that the mentality of the Arab population was that 'the Government is our father, we are its children, and we must be compelled to do what is for our own good'.³⁶ Like Bowman, Moody supported the idea that some 'material services' could be devolved to the local councils that had already been established under the

³² Second Report of the Local Government Commission, 24 February 1925, CO 733/90.

³³ Symes to Chief Secretary, 27 March 1925, ISA 2/0/1/273; Minute by Secretariat, 4 April, 1925, ISA 2/0/1/273.

³⁴ Note by Mills, 23 March 1925, ISA 2/0/1/273.

³⁵ Note by Moody, 24 February 1925, CO 733/90.

³⁶ Moody to Storrs, 25 February 1925, ISA 2/0/1/273.

Local Councils Ordinance of 1921. The treasury was, unsurprisingly, concerned with the financial aspects of the scheme but agreed that it was unnecessarily complicated, commenting that the creation of new layers of bureaucracy were 'impracticable and financially and economically unsound'.³⁷

The most disparaging criticism came from the deputy director of education, Jerome Farrell, who expanded on the earlier criticisms and attacked the Local Government Commission's ideas on the basis that they had casually disregarded concerns about efficiency on the grounds of submitting 'to a popular demand which it believes to exist'.³⁸ Farrell's argument had two strands: firstly, mandatory obligations meant that control of the government system should remain centralised in British hands and, secondly, that the 'popular' Arab demand for control over education was not genuine or widespread. As has already been suggested, Farrell regarded the 'educative function' as one of the most important aspects of mandatory rule and stressed its link to self-government: 'education is in fact ultimately the most important of all public services; this is especially true of the education of character upon which alone real ability for self-government must be based'.³⁹ The steady development of 'character' as a platform for achieving self-government was integral to British notions of trusteeship. In these terms, devolving control over education could not be justified as promoting Arab interests. Farrell stated that 'a people incapable of self-education, as the Palestinian people by the definition of a mandated territory must be, needs control in no public department more than in education'.⁴⁰ He argued that devolving responsibility for education to advance self-government before the growth of civic consciousness among Arabs was a premature measure and described it as 'a blind alley'.

The other strand of Farrell's argument was that the Local Government Commission's understanding of Arab demands to control the government education system was flawed. He argued that there was 'practical unanimity' against popular control amongst the teaching staff in the Department of Education and that parents were generally 'satisfied with the present situation' of centralised government control. The demand for popular control in the 'national interest' was actually 'not very widespread'. Instead, Farrell explained that 'in fact the demand for Arab control narrows down to the desire to teach a form of negative patriotism better described as racial hatred' that was espoused by a small number of journalists and

³⁷ Minute by Davis, 14 April 1925, ISA 2/0/1/273.

³⁸ Farrell, Memorandum on the Reports of the Local Government Commission, 21 April 1925, ISA 2/0/1/273.

³⁹ Ibid.

⁴⁰ Ibid.

politicians.⁴¹ The idea of Arab 'national interest' was therefore downgraded to a version of 'negative patriotism' that was contrary to British ideas of education. Farrell suggested that the desire to teach this type of 'patriotism' stemmed from Arab leaders' own narrowness of view and conservatism, which was derived from their own inadequate education. In British terms, there was a clear desire to avoid the propagation of 'racial hatred' that could threaten public order. Additionally, Farrell attributed part of the demand to 'a desire for power and for the control of a large field of patronage', which, in his eyes, further undermined its validity. Education should remain a service in British hands, he argued, but some delegation of material responsibility, like that envisaged in Moody's minority report, could be made without an 'undue' loss of efficiency.

In his own response to the second report, Bowman suggested that 'in fundamentals' he agreed with his deputy's remarks and said that 'the dangers of going too far or too fast in the matter of educational devolution can hardly be exaggerated'.⁴² The main Arab criticism, Bowman thought, was that Jewish schools were free to follow 'the dictates of a Zionist conscience', whilst Arab schools were 'fettered in the expression of so-called patriotism'. The continued, derogatory references to 'negative' or 'so-called' patriotism are a useful indicator of the general distrust that Britain held towards Arab assertions of nationality. For Bowman, the solution to this problem did not lie in creating identical machinery and decreasing control over Arab education but in increasing control over Jewish education, particularly with regard to the appointment and dismissal of teachers, and possibly devolving some of the material aspects of elementary education to the Arab community. In the face of such resounding opposition, Storrs, the chairman of the commission, attempted to respond to some of the objections but he was unable to address the fundamental issues raised by the various criticisms.⁴³ The final parts of the debate over these plans had occurred against the backdrop of Samuel's departure from office, so it was decided that the attempt to modify the extant system should be postponed until the incoming high commissioner, Lord Plumer, had been able to give his opinion on the matter.⁴⁴

Plumer stated that his priorities for education were to extend the system of Arab Muslim schools controlled by the government and to exercise a greater measure of control

⁴¹ Ibid.

⁴² Bowman to Secretariat, 28 September 1925, ISA 2/0/1/273.

⁴³ Note by Sir Ronald Storrs, 11 June 1924, ISA 2/0/1/273.

⁴⁴ Bowman to Secretariat, 28 September 1925, ISA 2/0/1/273.

over Jewish schools, in return for a greater share of the education budget.⁴⁵ In June 1926, the high commissioner laid down the basis of his plan to achieve these objectives and advised that he would submit a draft bill for education after further consultation. As the financial constraints on the mandatory administration meant that it was unlikely that the education budget would be 'materially increased for some years to come', Plumer recognised that he would need to find other methods to fund the expansion of the government system. The high commissioner carried forward some of the key suggestions that were made by Moody and Bowman in their criticism of the Local Government Commission's proposals. He confirmed that future policy would be based on the communal structure that was already in place, but stated that education would have to 'be treated as a quasi-local service' where some tasks could be devolved to local authorities.⁴⁶ Plumer recommended that local and municipal councils could take on the material responsibility for maintaining and opening new schools through local forms of taxation, which would allow towns and villages that lacked a school to establish one on their own initiative. Yet Plumer also stressed that

It must be recognised that by devolving Arab education upon local authorities even to a limited extent, a certain loss of efficiency must be anticipated, though it is intended to combat this to some extent by maintaining and improving the quality of the teaching staff. On the other hand, some sacrifice of efficiency can be contemplated without undue concern if it is compensated by a sufficient increase in the extent of elementary education and the standard of teaching and education does not fall below a national minimum.⁴⁷

The potential loss of efficiency was acceptable because the priority for Plumer was to expand access to elementary schooling rather than to improve the quality of it. Even then, the high commissioner acknowledged that, whilst universal education was an admirable aim, it would only be possible 'to spread education by degrees, especially among the Moslem Arabs' because of the costs involved. The mandatory administration would still have to supply and pay for a new school's teacher, which made it unlikely that it would facilitate a rapid expansion of the government system. Unlike the Local Government Commission, Plumer's ideas for policy were not made in the context of advancing self-government so purely educational considerations were allowed to shape policy. Devolving power for material services to local and municipal councils had the advantages of providing a method of transferring some of the costs of the government education system to the local population

⁴⁵ Plumer to Amery, 19 February 1926, CO 733/112.

⁴⁶ Plumer to Amery, 24 June 1926, CO 733/155.

⁴⁷ Ibid.

through the use of existing bureaucratic structures, whilst the central education department could retain its control over the more contentious aspects of the system.

These proposals were welcomed in the Colonial Office as 'quite sound': officials were particularly pleased that the new high commissioner realised that compulsory elementary schooling would be impracticable 'for many years to come' due to the financial cost involved.⁴⁸ The need for an ordinance to formalise British control over education in Palestine was well understood by colonial officials in London who were particularly keen to ensure that it was not used for 'subversive' purposes. Sir John Shuckburgh wrote that 'in our Tropical African dependencies... insufficient Government control of educational developments was said to be the root of all evil'. Given the importance of education in Palestine, he explained it would 'be necessary to proceed with the greatest tact if the Ordinance is to have the desired effect of promoting good education with the help of efficient Government control'.⁴⁹ The Colonial Office insisted that provisions drawn from the Nigerian education laws must be included in any ordinance so that school inspectors would have the power to close schools down if they were 'being conducted in a manner contrary to good order and morals', which again demonstrated the preoccupation with ensuring that the mandatory administration had sufficient power to ensure education was carried out according to British ideals of political and ideological neutrality.⁵⁰

A draft ordinance was finally put forward in late 1927 with the aim of consolidating administrative practice towards education as it had evolved since the British occupation of Palestine.⁵¹ The bill confirmed the wide powers that the director of education held in all matters connected to secular instruction in government schools, including control over the curriculum; the appointment and dismissal of teachers, and their emoluments and pensions; the rate of school-fees and the provision of free places; and, of course, the power to close schools. It also contained provisions that allowed for the devolution of 'material' services to local education authorities, yet the powers that remained centralised in the education department provided an effective safeguard to ensure that standards did not fall too far, which would run contrary to the obligations of trusteeship. This was the more positive justification for maintaining centralised British control; the undercurrent to this thinking was the political

⁴⁸ Minute by Lloyd, 10 July 1926, CO 733/155.

⁴⁹ Minute by Shuckburgh, 22 March 1928, CO 733/146/7.

⁵⁰ Colonial Office Minute, 27 January 1928, CO 733/146/7.

⁵¹ Luke to Amery, 8 November 1928, CO 733/146/8. See also Palestine Gazette, 16 October 1927, CO 733/146/7.

concern that uncontrolled schools would espouse ‘patriotism’ or ‘racial hatred’ and undermine British rule. The mandatory administration therefore retained significant influence over the content of education in government schools by supervising both the curriculum and teachers within the system.

The wording of the ordinance made it seem that these measures would apply to all schools that accepted some form of government funding, which provoked a series of objections from the Zionist movement and the foreign powers who sponsored schools in Palestine, and this delayed enactment of the ordinance until 1933. The legislation can be seen as a move to maximise the legal control that the mandatory administration could exercise over the schools that it assisted. The Zionist movement’s response to the ordinance and the general relationship between the mandatory administration and the Jewish education system will be examined in more detail later in this chapter, but the foreign powers involved – principally France, Italy, and the Vatican – argued that the proposed legislation violated Articles 15 and 16 of the mandate that guaranteed their right to maintain schools free from interference by the mandatory government. These articles did also stipulate that those schools would have to conform to ‘educational requirements of a general nature as the administration may impose’, but the Colonial Office took foreign allegations that it was breaking the mandate seriously. The main points of contention concerned the definition of schools that were ‘assisted’ by the mandatory government and the ‘penal appearance’ of the ordinance toward foreign schools.⁵² This caused a prolonged period of diplomatic correspondence between the Foreign Office and the other powers as various clauses concerning the definition of different types of school were amended to bring them into line with foreign opinion.⁵³ The 1933 ordinance marked an end to the ad hoc nature of British control over education and formalised the various systems of government and non-government schooling, which re-affirmed the British ability to shape and direct Arab education under the mandate.

Arab Education in Government Schools

The previous section explored how Orientalist ideas about Arab capability helped to justify British control over the government system; this section will examine how those ideas also had a corresponding influence in framing the character and priorities of that system. The centralisation of British control over the government school system had a major influence on

⁵² Plumer to Amery, 12 January 1928, CO 733/146/7.

⁵³ The relevant files are contained in CO 733/146/8 and CO 733/165/5. See also Wauchope to Cunliffe-Lister, 27 August 1932, CO 733/222/1.

the nature of local education. The views of the Department of Education were profoundly shaped by Bowman, its director, and Farrell, his deputy, who became director when Bowman retired in 1937. Bowman claimed he had 'sympathy and understanding' for the Arabs, believing them to be a 'lazy and un-enterprising people' who needed the type of discipline that British values could provide.⁵⁴ Like most colonial officials, Bowman believed that Arab aspirations could be met within a framework of colonial rule that encouraged development whilst preserving the 'traditional' structure of Arab society. Farrell, who was educated at Jesus College, Cambridge, before serving as an assistant master at Rugby and in the Department of Education in Iraq, held similar beliefs about the capacity of the Arab mind for education, explaining that 'a high standard of achievement is very small... [it is] fixed by nature and cannot be increased by education'.⁵⁵ In 1923, the Department of Education conducted 'group intelligence tests' on Arab boys aged between 11 and 16 which found that 'the mental development of the Palestinian child is somewhat behind that of the average English child' and concluded that the effect of the Arab social environment 'upon actual attainment of pupils must inevitably be prejudicial'.⁵⁶ These ideas were products of an upbringing that reinforced Orientalist stereotypes about the native inhabitants of Palestine. Cultural preconceptions were fundamentally important in guiding British administration of the government school system. It was assumed that very few Arab schoolchildren merited the benefits of secondary or higher education, with those that did marked down primarily for teaching careers in government schools; that the Arab character required 'shaping' through public school ideas like team spirit; and that appropriate rural education was essential to prevent Arab *fellahin* from becoming disillusioned with village life and 'drifting' to the towns.

Education was seen as having the potential to raise prosperity amongst the Arab population, particularly by helping to spread more advanced agricultural methods, yet it had to be carefully regulated to manage its social effects. The main British aim under trusteeship, therefore, was to achieve basic literacy on a mass scale by expanding access to elementary schooling, rather than the quality of it. This goal was significantly constrained by financial considerations. The mandatory government decided to continue a scheme started by the military administration to re-open schools that had been forced to close during the First World War as part of a 'comprehensive programme' that Samuel explained would see the

⁵⁴ Shepherd, *Ploughing Sand*, p.157.

⁵⁵ Quoted in *Ibid*, p.158.

⁵⁶ Department of Education Annual Report for 1923, CO 814/1, p.9.

country 'covered with elementary schools'.⁵⁷ Initially, the majority of these were small village *kuttab*s – private schools that primarily offered rote religious learning based on the *Qur'an* – but by offering a grant-in-aid, the mandatory administration was able to quickly absorb and expand these schools into a state-run government system. By July 1920, the military education service had opened 171 schools and by 1923 this number had reached 311, but such rapid expansion had to be abandoned to make savings in the education budget, which had fallen from £114,217 in 1922 to £97,279 in 1923 in order to reduce general expenditure and alleviate the financial burden of Palestine on the British taxpayer.⁵⁸ A.L. Tibawi, an Arab official in the Department of Education, suggested that any concern for education was subordinated to public security, which, with nearly a third of the mandatory administration's budget devoted towards it, formed a 'crushing priority'.⁵⁹ Between 1920 and 1936, the overall level of investment in education remained fairly consistent at about six per cent of the total budget. Despite the importance that was placed on schooling under trusteeship, this was regarded as inadequate and offers yet another illustration of how financial retrenchment could take precedence over the goals of trusteeship.⁶⁰

Universal education was an admirable, yet distant goal for colonial officials. Under-investment in education translated into a failure of the mandatory administration to meet the Arab demand for school places in the government system. In 1937, Farrell remarked that 'it would be difficult to exaggerate the cumulative seriousness of the situation... created by the inadequacy of the educational provision made by Government since the Occupation'.⁶¹ The cancellation of the school building programme in 1923 meant that during the 1920s the mandatory administration was only able to accept around half of those who applied for a government school place. In 1929, when the figures were first included in the education department's annual report, there were 4,732 Arab children in towns who applied to enter elementary education, but only 2,422 could be admitted.⁶² The earlier reports simply noted that 'the demand for elementary education remains as great as ever'.⁶³ This problem was compounded by a progressive deterioration in the rate of pupils who completed the full

⁵⁷ Samuel to Churchill, 15 December 1921, CO 733/8.

⁵⁸ 'Department of Education Annual Report for 1923', CO 814/1; 'Note on Education in Palestine, 1920-1929', p.6.

⁵⁹ Tibawi, *Arab Education in Mandatory Palestine*, p159. For the defence budgets, see 'Palestine. Royal Commission Report', pp.188-192.

⁶⁰ Department of Education Annual Report for 1934-35, p3, CO 733/291/4.

⁶¹ Farrell, 'Note on draft education estimates, 1937-38', 10 April 1937, CO 733/329/13.

⁶² Department of Education Annual Report for 1929-30, CO 814/4.

⁶³ See, for example, Department of Education Annual Report for 1923, CO 814/1.

elementary course. In rural schools, only 11 per cent completed the four year course, whilst in towns the number completing the six year course was 38 per cent.⁶⁴ The growing Arab population eventually forced the mandatory administration to begin a new programme of school expansion, particularly in the towns, that began in 1933.⁶⁵ The Department of Education estimated that the number of Arab children at school age increased by 36 per cent to 127,000 over the course of the 1920s because of an 'abnormal birth rate'; in the towns, this meant a 49 per cent increase in the demand for school places. The new scheme could only keep pace with the growing Arab population: in 1933, 63 per cent of applications were accepted; in 1934 and 1935, that figure dropped to 59 per cent, signalling that despite the expansion scheme, the mandatory administration could not radically change the structural deficit of places for schooling.⁶⁶

The concern for teaching only basic literacy was grounded in wider fears about the disruptive power of education in the colonial context. Major Young in the Colonial Office wrote of the 'horrid examples of the dangers of literary education turning out large numbers of unemployable clerks' in places like India and Egypt, who often became disaffected and engaged in anti-colonial politics.⁶⁷ A Department of Education pamphlet explained that

The danger of giving too literary a bias to village education has been one to which the authorities are keenly alive. The consequent ill effects seen of recent years in other countries of the Near and Middle East, due in large measure to the provision of an unsuitable type of education, of tempting the village boy to the town where he may become unemployed and unemployable, have resulted in the directing by the authorities of efforts to provide him with an education alike attractive and suited to his own and his country's needs.⁶⁸

The connection between literary education and the growth of dissent had important consequences for British priorities in government schools. Bowman was conscious of the view that schools were the 'bane of the East' and 'little else than nurseries for agitators', but he countered this by explaining that an incorrect type of education had been provided to those in the 'East'. He suggested that 'purely literary education is of little use' and connected his ideas to trusteeship by explaining that 'what is required is an education that will at once enlighten the peasant, make him a contented citizen, and keep him on the land'.⁶⁹ Education

⁶⁴ Department of Education Annual Report for 1929-30, p.23, CO 814/4.

⁶⁵ Bowman, 'Memorandum on Expansion of Education in Towns', 3 January 1934, CO 733/250/13; Hathorn-Hall to Cunliffe-Lister, 23 March 1934, CO 733/250/13.

⁶⁶ Department of Education Annual Report for 1934-35, p.22-3, CO 733/291/4.

⁶⁷ Minute by Young, 18 July 1926, CO 733/155.

⁶⁸ Note on Education in Palestine, 1920-29, p.7.

⁶⁹ Bowman, *Middle East Window*, p.279.

was geared towards these basic aims. As Ilan Pappé has suggested, the idea was 'limited modernisation' where improvement in rural life was achieved with local traditions left intact, so that the 'dangerous leap forward' to anti-British nationalism could be avoided.⁷⁰ The same rationale that underpinned land policy was also prevalent in education: when the Arab peasant had 'drifted' to the town, it was feared he would become vulnerable to agitation and pose a risk to public security.

Apprehensions over social dislocation converged with the view that education should be politically neutral to produce a curriculum that was widely criticised by Arab leaders for being 'de-nationalised' in an attempt to make the local population acquiesce in the establishment of the Jewish national home. Khalil Totah, headmaster of a boys' school in Ramallah, explained to the Peel Commission in 1937 that 'it would seem that Arab education is either designed to reconcile Arab people to this policy or to make the education so colourless as to make it harmless'.⁷¹ The exclusion of Arabs from the drafting of the school syllabus, which overlapped with educational trends elsewhere in the empire, only reinforced this feeling. The idea that Britain sought to 'immunise' the Arab population against nationalist feelings has been pervasive in the historiography. Majid al-Haj, for example, explained that 'traditional norms and values... [were] emphasised vigorously in order to undermine national education'.⁷² Miller has also suggested that in neglecting Arab history, British officials could not provide an 'adequate national history'.⁷³ However, these interpretations seem to stem more from contemporary Arab complaints that were directed against education, rather than an assessment of the curriculum itself, which, given the paucity of source material regarding the syllabus, is understandable.⁷⁴ A recent study by John Harte has suggested that traditional views that a straightforward and de-nationalised curriculum was imposed by a colonial hegemon on to a passive subaltern population require a more nuanced understanding of how education was actually used by teachers to help shape Arab consciousness, rather than simply holding on to the idea that it completely suppressed identity.⁷⁵

⁷⁰ Pappé, *A History of Modern Palestine*, p.74.

⁷¹ Quoted in Miller, *Government and Society in Rural Palestine*, p.96.

⁷² Majid al-Haj, *Education, Empowerment and Control: The Case of the Arabs in Israel*, (Albany, State University of New York Press, 1995), p.48.

⁷³ Miller, *Government and Society in Rural Palestine*, p.97.

⁷⁴ Harte, *Contesting the Past in Mandate Palestine*, p.103.

⁷⁵ *Ibid*, pp.23-5.

The subject of history, which is crucial to the development or construction of national identity, is a particularly useful prism to explore this question and the relationship it had to trusteeship. Examining the elementary syllabus, Harte explained that 'it was always envisaged that some kind of "national" awareness – linked to an understanding of the rights and responsibilities of Palestinian citizenship – would be nurtured by the government curriculum'.⁷⁶ The key word here is 'awareness'; although colonial officials did not want to teach a radical Palestinian Arab nationalism, which was outside the scope of their understanding of the Arab national movement in Palestine, they did at least strive to provide a layer of identity, based mainly on ideas of Islamic heritage and pan-Arabism, in order to provide some cultural coherence to the 'traditional' structure of Arab society. This was demonstrative of the assumption which sustained trusteeship that the Palestinian Arabs did not constitute a nation.

The 1925 syllabus for elementary schools offered four years of Arab history, taught through 'stories' of 'heroic' individuals, whilst the final two years offered some general European history and a year of 'History and Civics'.⁷⁷ Interestingly, the final two years were only offered in town schools. Presumably, it was too 'literary' for children in rural areas and undermined the focus on vocational, agricultural learning. The final year is particularly interesting because it suggests that the values for civic consciousness in the 'modern' world, which colonial officials were trying to inculcate as part of trusteeship, could not be drawn from Arab history. Reflecting a Euro-centric, almost Hegelian view of modernity, History and Civics began by tracing the development of civilisation from 'primitive man and the family', which included the role of the tribe in the Arab system and the development of the caste system in India, to the Greek and Roman city states. It continued with classes on the Middle Ages, the growth of autocracy, before finishing on constitutional forms of European government, including concepts such as limited government; the franchise; the basis of representation; the separation of powers into legislative, judicial, and executive functions; and modern republican ideas.⁷⁸ The Arab contribution to the development of human society, it seemed, was minimal and confined to the times of 'primitive' man. The aim of history teaching was to develop a general sense of identity amongst all Arabs, before using the lessons of European forms of history as a vehicle for disseminating civic consciousness among urban pupils where there was less concern for social dislocation and migration. This

⁷⁶ Ibid, p.124.

⁷⁷ Ibid, pp.116-7.

⁷⁸ Tibawi, *Arab Education in Mandatory Palestine*, pp.86-7.

connected to the wider aims of trusteeship in using quasi-European reform to achieve development in Palestine. In that sense the development of the curriculum mirrored the liberal, rational, and utilitarian approach to land reform.

The suggestion that the curriculum was completely de-nationalised is therefore not entirely accurate. It also does not take into account the potential agency of Arab teachers and the possibility of re-formulating what British officials were trying to express through the syllabus. Harte has used post-colonial notions of 'hybridity' and 'slippage' to argue that teachers could re-interpret the curriculum, particularly when it was transmitted from English to Arabic. Thus, in the 1921 syllabus, the aim of history to impart 'a sense of the responsibility of citizenship and his duty to his country and his fellow men' becomes 'the spirit of awareness of responsibility and duty towards *his people* and *his homeland*, and towards humanity' (my emphasis).⁷⁹ The subtle, yet definitive shift towards a more nationalist tone is a good example of this form of 'slippage' and demonstrates the potential agency of teachers to subvert the colonial context in which the curriculum was forged.

Despite its principled opposition to 'national' trends, there may have been some tacit recognition of these 'slippages' by the Department of Education or at the very least a reluctance to invoke political opposition by challenging minor infractions. A thorough system of reporting on Arab teachers in government schools was in place, where bi-annual reports were furnished by the headmaster of a school and passed up through the district inspector, then the administrative inspector in Jerusalem, before finally finding their way to the director of education, yet it was rare for the Department of Education to take disciplinary action against teachers on grounds of inappropriate lesson content. Most dismissals were for poor teaching methods, lack of discipline in the classroom, or 'moral' infractions, like excessive corporal punishment. Action was usually taken when opposition to the mandatory administration became visible. For example, in the early 1920s the headmaster of the Shafa-'Amra Boys' School was dismissed after anti-government strikes broke out amongst the student body.⁸⁰ It is entirely possible that, because British involvement was infrequent at the bottom of this chain, minor incidents did not get passed up or were concealed along the way. All of this should not, however, be taken to mean that the curriculum was a comparable equivalent to the overtly nationalist type of education provided in Zionist schools. Indeed, when set against the aims of Zionist education to develop strong connections between

⁷⁹ Harte, *Contesting the Past in the Mandate Palestine*, p.147.

⁸⁰ *Ibid*, p.204.

disparate Jewish immigrants and foster an active Zionist political consciousness the limited 'national' history in government schools was described by Harte as 'hopelessly inadequate'.⁸¹

There were other ways in which Arab education in government schools was inferior to the Zionist system. The idea that 'literary' education would lead to social disruption placed a narrow but utilitarian focus on elementary education with a technical or vocational bias over more academic forms of learning, which was detrimental to the development of secondary or higher education. In theory, the Palestine Matriculation Examination could open the way to study at the American universities in Beirut or Cairo, or even in England at Oxford, Cambridge, or London. However, in 1929, there were only 11 government secondary schools in Palestine; nine of them could only provide the first two years of the four year secondary course, whilst only one, the Government Arab College in Jerusalem, could provide the full course.⁸² The number of students who could take the matriculation exam was therefore very low: in 1934-35, when there were 35,868 pupils in the government elementary system, only 28 students attempted it and, of those, only 18 passed. Other than the few who managed to obtain a government-sponsored university scholarship – three from the 1934-35 class – the main function of secondary education was to provide elementary school teachers for the government school system.⁸³ The teaching course offered by the Government Arab College as a fifth year was the highest class available in Palestine but, as the Department of Education noted, 'the course of pedagogy is practical rather than theoretical. Some attention is paid to psychology but a greater part of the lesson time is given to practical training in methods of teaching and class management'; even prospective teachers, it seemed, had to be kept away from the dangers of a literary education.⁸⁴ Designating – and limiting – the purpose of secondary education as training 'practical' teachers was a natural consequence of the mandatory administration's aim of providing basic literacy to as many pupils as possible. This contrasted against the Zionist system of education where nearly all pupils were able to access some form of secondary education that catered for a variety of purposes.⁸⁵

The problems of access also translated to higher education, but here the most contentious issue was over the teaching of English. The standard practice in British colonial education was for English to be the medium of instruction at secondary level, but in Palestine

⁸¹ Ibid, p.144.

⁸² Department of Education Note on Education in Palestine, p.11, 1920-29.

⁸³ Department of Education Annual Report for 1934-35, pp.22-9, CO 733/291/4.

⁸⁴ Department of Education Note on Education in Palestine, p.11, 1920-29.

⁸⁵ Segev, *One Palestine, Complete*, pp.389-92.

Arabic was used to mirror the use of Hebrew in the Zionist school system. Despite the lack of an overtly 'nationalised' syllabus, the use of Arabic throughout elementary and secondary education must have provided some form of continuity to the development of a national identity for those fortunate enough to progress through the system. Shepherd has criticised the lack of English teaching as restricting access to colleges and universities in the region, particularly for rural Arabs, because most required at least a working knowledge of English.⁸⁶ Yet, as Harte has demonstrated, the results of the English paper in the matriculation exam show that government students did just as well as their non-government counterparts, suggesting that it was not the medium of instruction that was the cause of 'underdevelopment' but the paucity of places in the secondary system.⁸⁷ In 1935, the mandatory administration finally bowed to Arab pressure and decided to introduce limited teaching of English in village schools, although the main aim was to provide a cadre who might be trained as agricultural teachers. Again, British fears were related to social consequences with the chief secretary explaining that the process would be 'carried out so as not to encourage the indiscriminate migration of village pupils to towns'.⁸⁸

Despite the dearth of secondary education, and a strong focus on elementary education, the mandatory administration and Colonial Office were prepared to consider the idea of establishing a British university in Jerusalem.⁸⁹ This had first been proposed by Storrs in 1922 as a way of getting Arabs and Jews 'to work together', but Zionist leaders had opposed the idea as it was perceived as a threat to the proposed Hebrew University. In 1927 the issue was raised again after a report, commissioned by Rennie MacInnes, the bishop of Jerusalem, to comment on the education activities of the Anglican Missionary Societies, suggested that an institution of university status should be established in Palestine. James Headlam-Morey, the historian who authored the report, explained that mandatory rule had opened Palestine up to 'Western' influences: 'the country will no longer be, as it formerly was, primitive, secluded and under the sole influence of inherited tradition; whether we like it or not, the inhabitants will come more and more under the influence of Western thought and Western life'.⁹⁰ The priority for Headlam-Morey was that British officials provide supervision during this process, arguing that 'it is above all essential that the inevitable

⁸⁶ Shepherd, *Ploughing Sand*, p.158.

⁸⁷ Harte, *Contesting the Past in Mandate Palestine*, pp.69-70.

⁸⁸ Hathorn-Hall to MacDonald, 20 September 1935, CO 733/273/5.

⁸⁹ This scheme has been explored in greater detail by Pinhas Offer, 'A Scheme for the Establishment of a British University in Jerusalem in the Late 1920s', *Middle Eastern Studies*, Vol. 22, No. 2, (April 1986), pp.274-85.

⁹⁰ James Headlam-Morey, 'Report on the Anglican Schools in Palestine', 6 July 1927, p.3, CO 733/155/6.

revolution in habits and in thought should be carried out under wise, sober, and disinterested guidance'.⁹¹ These remarks demonstrate how Orientalism informed British ideas about the path to modernity. Alongside the notion that only European history offered the requisite knowledge for the development of a civic consciousness, it was also the case that only with European tutelage could the Oriental traverse the path out of his 'backward' state.

Headlam-Morey recommended merging some of the missionary institutions in Jerusalem that were carrying out 'advanced' education to form the British-sponsored university in Palestine. Under the obligations of trusteeship, there was a clear case for establishing such an institution. Headlam-Morey explained that it could help to train the future leaders of the country and

Enable them to move freely in the world of modern thought, to be able to understand, appraise and criticise the ideas by which, whether we like it or not, we must recognise that the modern world is governed. This means of course what we may call the 'Westernisation' of their minds.⁹²

Yet the report also raised some important doubts about higher education. Rennie MacInnes acknowledged that technical education to drive economic development was a greater priority than higher education. Perhaps more fundamentally, he questioned whether this process of 'Westernisation' was 'in the best interests of oriental peoples or conducive to their real happiness'.⁹³ For the bishop of Jerusalem, the main attractions were prestige – a British university could rival the American ones in Beirut and Cairo, and could serve Palestine, Transjordan, Cyprus, Iraq, and the Sudan – and control. MacInnes explained that Arab students at the American universities were 'subjected during their most impressionable years to an influence which is the reverse of pro-British'.⁹⁴ However, the idea for a university did not get past the planning stage. Despite a fairly detailed proposal on the 'Jerusalem Institute', as the proposed university was called, which included an administrative structure, a projected budget and capital outlay, a teaching specialisation (history, political science, European thought, and philosophy), and an estimated class size, the doubts surrounding the scheme were enough to curtail it.⁹⁵ The exact reasons for abandoning the scheme are unknown⁹⁶ but it seems likely that the doubts over the scheme, such as whether there was wide enough demand

⁹¹ Ibid, pp.3-4.

⁹² Ibid, p.35.

⁹³ MacInnes, 'Memorandum on a Jerusalem Institute of Higher Studies', CO 733/155/6.

⁹⁴ MacInnes to Plumer, 9 March 1928, CO 733/155/6.

⁹⁵ Bowman, 'Note on the Proposed Jerusalem Institute', November 1928, CO 733/155/6.

⁹⁶ Ofer suggests the relevant files have been destroyed, see 'A Scheme for the Establishment of a British University in Jerusalem', p.280.

in Palestine, whether higher education was suited to Arabs, if the necessary funds could be raised, and whether the proposed institution could compete successfully with the American University at Beirut, which were expressed vocally by the Colonial Office, combined with the deteriorating situation in Palestine in 1929 to shift the mandatory government's priorities elsewhere.⁹⁷

Instead of higher education, the mandatory administration was much more concerned with vocational training. Village schools were given a practical, agricultural focus. The village curriculum was two years shorter than for urban schools, and lacked geometry, science, and English. Even with the focus on vocational education, the provision of useful agricultural training was circumscribed by the lack of financial resources. The basic idea was that every school should develop a garden which was provided by the villagers, but few schools routinely maintained their plots and, of those that did, less than half were supervised by teachers with the appropriate training.⁹⁸ Technical education also remained narrowly wedded to utilitarian notions of agricultural activity. In 1929, the high commissioner invited W.A. Stewart, the former director of the Central School of Arts and Crafts in Cairo, to submit a report on the state of technical education in Palestine. He observed that there was 'an almost complete lack of qualified technical training' in government schools, which meant that craftsmanship was never 'likely to be raised to any higher standard than that of the bazaars'.⁹⁹ But Stewart's plans for technical education were derived from his own Orientalist beliefs that Arabs should only engage in traditional Oriental arts and crafts, like silk production, cloth-weaving, carpet-making, pottery, and glass-blowing. For him, 'industrial training' for Arabs meant enabling them to manufacture their own ploughs, hoes, locks, window frames, and household utensils between seasons of sowing and harvesting; the development of industry, he concluded, 'should be related through the development of its crafts to the country's primal activity, agriculture'.¹⁰⁰ Chancellor appointed Stewart as a specialist supervisor of technical education without considering a single Arab for the position, explaining that his 'sympathy with Oriental character' and 'taste for Oriental craftsmanship' made him the ideal choice for the job.¹⁰¹ In 1935, a Government Trade School was established in Haifa, Palestine's industrial centre, yet the courses on offer, which

⁹⁷ Ormsby-Gore to Amery, 29 April 1929, CO 733/168/12.

⁹⁸ Miller, *Government and Society in Rural Palestine*, p.109.

⁹⁹ Stewart, 'Report on the Possibilities of Technical and Artistic Crafts Education for Palestine', 8 July 1929, CO 733/176/9.

¹⁰⁰ Ibid.

¹⁰¹ Chancellor to Passfield, 21 September 1929, CO 733/176/9.

included fitting and turning, blacksmithing, and woodworking were confined to the traditional arts and crafts format and were intended to help 'young men who have the legitimate and honourable aspiration to acquire a sound elementary training in manual work'.¹⁰² The predominance of this ethos meant that technical education was prevented from providing more advanced forms of vocational qualification. This was in distinct contrast to the Zionist education system that included, for example, the Technion in Haifa, which offered civil engineering and architectural courses. As will be seen in the next section, British ideas, whilst having a key influence on various aspects of the government education system, did not exert anywhere near the same level of influence on Zionist education.

British Relations with Zionist Education

British attitudes towards Zionist education were markedly different from the assumptions that underpinned the mandatory administration's control over Arab Muslim education through the government school system. It defied colonial precedent from the beginning of the mandate; the key manifestation being the overtly political and nationalist nature of its organisation and curriculum. Structured along three political lines to represent dominant ideologies and trends within Zionism – 'general' or political, Mizrahi, and labour – the system was a vital tool for nation-building in the mandatory period by acting as a 'melting pot' through which disparate Jewish immigrants could be forged into a cohesive national body.¹⁰³ Despite the heterogeneous trends within this system, all schools were geared towards the achievement of Zionism and worked to shape a 'new' kind of Jew who was free from the characteristics attributed to life in the Diaspora. For many Jewish parents in Palestine, education was regarded as a national enterprise and most schools made great efforts to imbue their pupils with a deep attachment and sense of belonging to the land of Israel. These efforts were spearheaded by the revival of Hebrew as an everyday language, which became the medium of instruction in all Zionist schools. The curriculum fostered Jewish culture, with the bulk of teaching devoted to history, geography, and literature.¹⁰⁴ In contrast to the government system, a highly developed network of elementary and post-elementary institutions offered a diverse range of courses and various specialisms. These were crowned by the Hebrew University in Jerusalem: inaugurated in 1925 at a ceremony attended by Arthur Balfour, it

¹⁰² Wauchope, 'Trades School Address', 25 June 1934, CO 733/264/16.

¹⁰³ Ibid, p.14.

¹⁰⁴ Segev, *One Palestine, Complete*, p.258; p.390.

had long been a central element to the cultural development of the Zionist project as a whole.¹⁰⁵

The national orientation of Zionist education would obviously clash with British thinking on the subject. Bowman explained it was 'faulty' and 'in many of its aspects it did not conform with British ideals'.¹⁰⁶ Farrell was more explicit: he disapproved of its 'racial and national exaltation' and called for the mandatory administration to enforce 'ideas based on British ideas of education and conduct' in Zionist schools.¹⁰⁷ National 'exaltation' was not the only criticism and the Department of Education felt there was a distinct lack of 'discipline' in the Zionist system: children addressed their teachers by first name; parents regularly intervened in school affairs; and the politically organised schools competed against each other for new pupils and additional funding.¹⁰⁸ Yet the mandatory administration had little power to curb these tendencies because it had granted the Zionist Executive significant autonomy over education in the early years of British rule. The Palestine government spent much of the mandate attempting to improve its position of influence towards Zionist education, whilst simultaneously trying to avoid acquiring excessive financial responsibility for it. This section will explore the relationship between the mandatory administration and the Zionist school system by examining the issues of government control and funding, and how this related to trusteeship.

In granting autonomy to the Zionist education system, the mandatory authorities acknowledged that their primary duty under trusteeship was to focus on the development of Arab education. This decision was profoundly shaped by the preconception that the *yishuv* was culturally sophisticated enough to be capable of running its own school system, but there was also a more practical basis to this belief. An independent network of Jewish schools had been developing under Ottoman rule to meet the needs of the immigrants that arrived in Palestine during the first and second *aliyah*. In 1914, a Zionist Board of Education had been created to administer 12 schools where Hebrew was the main language of instruction. By 1918, it controlled 40 schools and formed the nucleus of the Zionist education system during the mandate period.¹⁰⁹ The benefit for the mandatory administration of providing autonomy was mainly financial; instead of completely funding the more expensive Jewish system, it

¹⁰⁵ Harte, *Contesting the Past in Mandate Palestine*, p.46.

¹⁰⁶ Bowman, *Middle East Window*, p.254.

¹⁰⁷ Farrell, 'Memorandum on the Kadoorie Bequest on the Institution of an Arab and Hebrew Agricultural School', 1927, CO 733/142/4.

¹⁰⁸ Shepherd, *Ploughing Sand*, p.171.

¹⁰⁹ 'Note on Education in Palestine, 1920-29', p.4.

could pay small grants-in-aid to individual schools that requested them in return for some limited powers of inspection.

An important calculation in this delegation of authority was the confidence that Jewish education would be able to support itself primarily from international funding and contributions from the *yishuv*. This was initially true, but rapid expansion and financial mismanagement became a greater problem for British officials than the national focus of the education system. The Zionist Board of Education had a tendency to treat international donations as a stable source of income and used them to fund a rapid expansion of its school system during the 1920s. By 1928, the number of schools controlled by the board had increased to 207 and it educated over 18,000 pupils. The government system also served around 18,000 children, but this has to be set against the relative population figures at the time when Arabs outnumbered Jews by around six to one.¹¹⁰ The revenue of the Zionist Executive experienced considerable fluctuations and this contributed to a chronically unstable state of financial affairs for the Zionist movement generally. The problems manifested themselves most visibly through the years 1925-32 when the non-payment of teachers' salaries became a recurrent issue for the mandatory administration. The teachers suspected that the fall in the education budget allocated by the Zionist Executive, which in 1920-21 was £109,000 but in 1931-32 had fallen to £40,000, was because funds were being diverted to non-educational objects such as unemployment relief and land-purchases.¹¹¹ The teachers, who were organised in a strong trade union, engaged in frequent strikes that threatened to paralyse Jewish education and forced the Palestine government to step in with emergency grants.¹¹²

The mandatory administration had long recognised the need for reforms in Zionist schools, but without formal powers it could do little to enforce them and the Zionist education authorities were particularly keen to guard against government intervention. When Lord Plumer began his tenure as high commissioner in 1925, he explained that as well as expanding the government system, he wished to exercise more control over Zionist schools in return for giving them a greater share of the education budget.¹¹³ The issue was considered between 1925 and 1926, and a block grant scheme was instigated. It was fixed for five years at £9,740 and paid directly to the Zionist Executive, but this was an arbitrary figure and bore

¹¹⁰ Ibid, p.14; pp.20-1.

¹¹¹ Farrell, 'Relations between the Government of Palestine and the Jewish School System', pp.13-4.

¹¹² Moody to the General Council of the Va'ad Leumi, 14 August 1933, CO 733/234/11.

¹¹³ Plumer to Amery, 19 February 1926, CO 733/112.

no relation to need or relative population size.¹¹⁴ The Zionist movement argued that it should benefit from government expenditure 'commensurate with its size and importance'. In June 1927, the colonial secretary, Leo Amery, accepted this reasoning and doubled the size of the grant to £19,190, which represented around a sixth of the education budget, to bring it more into line with government spending on Arab education.¹¹⁵

It was hoped that the increased grant would cause the Zionist Board of Education to pay more attention to the general 'directives' issued by the government and increase the influence that the Department of Education had over the Zionist system.¹¹⁶ Under the block grant scheme, the mandatory administration would recognise the Zionist schools as a 'Hebrew public school system' in the forthcoming education ordinance. This was an attempt to capitalise on the increased funding by defining the specific powers that the mandatory administration would possess over Zionist education. The proposed ordinance would force the Zionist Board of Education to register all of its teachers with the Department of Education, including their qualifications to teach, and grant the director of education a formal right of inspection in all Zionist schools that received government finance.

This move provoked apprehension in the Zionist Executive. Its opposition was one of the reasons the enactment of the ordinance was delayed, although foreign objections to the legislation were the most important cause. In August 1928, a delegation visited Farrell, who was acting director of education whilst Bowman was on leave, to express their concerns that the education ordinance failed to specifically mention the Zionist Board of Education as a controlling body for Jewish education. Their main fear was that Britain's intention was to 'administer the Ordinance as to impair the unity and autonomy of the Jewish School system'.¹¹⁷ The ostensible reason for the omission was that as the Zionist Executive was beginning to transform into the Jewish Agency, the mandatory government did not want to make its duties the subject of precise legal regulation when it was liable to change. Farrell advised the delegation that future relations between the two departments would remain 'essentially unchanged'.¹¹⁸ The key question was economic: to fundamentally alter the relationship would have required the mandatory administration to incur greater financial responsibility for Jewish education. The promulgation of the ordinance, whilst marking an

¹¹⁴ Wauchope to Cunliffe-Lister, 9 April 1932, CO 733/224/11.

¹¹⁵ Quoted in Farrell, 'Relations between the Government of Palestine and the Jewish School System', p.9.

¹¹⁶ Ibid.

¹¹⁷ Farrell, 'Note on Interview with the Zionist Deputation', 13 March 1930, CO 733/191/2.

¹¹⁸ Ibid.

increase in the mandatory administration's formal power by granting the right to inspect Zionist schools and gather information on those who taught in them, ultimately did not give it the power to compel the Jewish Agency to introduce reforms. The main form of leverage remained the grant-in-aid.

Despite Farrell's reassurances, relations between the mandatory administration and the Jewish Agency over the organisation of Zionist education grew increasingly fractious. The increase of the block grant in 1927 did not inhibit the Zionist argument that they were entitled to a greater share of government expenditure. The Jewish Agency argued that the per capita spending of the mandatory administration was unfair: in 1929-30, for example, it stated that the mandatory administration spent nearly £4.50 per head in government schools whilst it gave less than £1 to the Hebrew school system. It hoped to take advantage of the relatively higher proportion of pupils in its schools and claim that future divisions of the education budget should be based on the absolute numbers of children attending school, which would have resulted in about half of it being spent on educating around a sixth of the population. The Jewish Agency suggested that it was entitled to greater funding than the Arab community for two reasons: firstly, because the Jewish contribution to public revenue was approximately twice as large as its percentage of the overall population, and, secondly, that, because a higher proportion of Jews were in school than Arabs, the Jewish 'zeal' for education was demonstrably greater than the Arabs.¹¹⁹ Colonial officials understood the Jewish desire for universal education on the grounds that most immigrants came from Europe or America where the practice was already established at public expense, but they were more concerned with limiting their financial liability.¹²⁰ The education budget was already inadequate to meet the Arab demand for government school places; any increase in the funding of Jewish education would mean a corresponding decrease in the amount that could be spent on Arab education, which assumed a greater priority under trusteeship. Farrell explained that it would be 'unjust' to the Arab community if more Jewish than Arab children were educated at the sole expense of the state given the relative sizes of the population and the fact that the Zionist movement was opening schools without sufficient resources and then relying on the mandatory administration for emergency support.¹²¹

¹¹⁹ Arlosoroff to Wauchope, 2 February 1932, CO 733/224/11.

¹²⁰ Minute by Mayhew, 11 January 1933, CO 733/224/11.

¹²¹ Farrell, 'Relations between the Government of Palestine and the Jewish School System'.

In recognising the Zionist system as a public one, however, the mandatory administration had taken on a responsibility for funding at least a portion of it. The question was whether an equitable and sustainable solution could be found that allowed it to continue its primary focus on the government system. Leo Amery's increase to the block grant was not initially based on a precise formula but on a loose calculation of population sizes. The colonial secretary had not formally accepted the principle of using population size to calculate the block grant for Zionist education¹²², but British representations to the Permanent Mandates Commission in late 1927 explained that the mandatory administration had in fact allotted the grant on a population basis.¹²³ When the block grant came up for reconsideration in 1932, the Colonial Office felt that it was honour bound to use a formula based on relative population sizes.¹²⁴ In February 1932, following a three week closure of Zionist schools because of financial difficulties, Chaim Arlosoroff, the political director of the Jewish Agency, wrote to Wauchope requesting that the grant-in-aid be re-calculated on a 'multiple' basis that took into account both the size of each community and a per capita grant on the number of pupils in school, which would have resulted in an overall increase of £5,000 to the subsidy. Arlosoroff insisted that the grant-in-aid needed to be immediately increased because the 1931 census demonstrated that the Jewish population in Palestine had increased relative to the Arab population.¹²⁵ After deliberations on the subject, the mandatory administration agreed to move away from using overall population statistics to use relative school age population figures.¹²⁶ This formula actually resulted in a similar increase to the Zionists' grant-in-aid than the multiple basis, but the Colonial Office felt that omitting a per capita element made the formula more manageable.¹²⁷

The mandatory administration attempted to make payment of the grant-in-aid contingent on reforms being enacted to the organisation of the Hebrew school system. In 1927, for example, Plumer had requested that a budgetary committee with government representation was established; that changes were made to the constitution of the Zionist Board of Education; and that a reduction in pupils' weekly lesson time was enacted to

¹²² Wauchope to Cunliffe-Lister, 9 April 1932, CO 733/224/11.

¹²³ See League of Nations Permanent Mandates Commission, Minutes of the Fifteenth Session, 24 October – 11 November 1927, accessed via <http://unispal.un.org/UNISPAL.NSF/0/E211072996E780B9052565F000651656>, on 01/10/2012.

¹²⁴ Minute by Downie, 10 May 1932, CO 733/224/11.

¹²⁵ Arlosoroff to Wauchope, 2 February 1932, CO 733/224/11.

¹²⁶ Johnson, 'Note by Treasurer on Grant to Jewish Schools', 17 December 1932, CO 733/224/11.

¹²⁷ Minute by Downie, 19 January 1933, CO 733/224/11.

decrease costs.¹²⁸ The budgetary committee was established, but the other reforms failed to materialise as the Zionist Board of Education was reluctant to impose the changes on its teachers which would provoke their union. The mandatory administration's position was somewhat incongruous. Whilst the teachers' strikes in the face of non-payment of salaries were described as 'neither unnatural nor very reprehensible', the vigorous rejection of reforms that threatened their interests was deemed to show a complete lack of 'public spirit'.¹²⁹ In terms of trusteeship, the mandatory administration was seeking to ensure that the expansion of Zionist education remained stable and self-sufficient. Farrell explained that the reforms were not intended to mean 'retrenchment but reorganisation with a view to securing more efficient or expanded services at lesser costs' – the nationalist tone to Zionist education did not even feature in British discussions about reform.¹³⁰ Wauchope was concerned that the economic instability of the Hebrew system had caused a gradual deterioration of Jewish teachers' efficiency and morale.¹³¹ He endorsed Bowman's calls that the Zionist education budget should be balanced 'in practice and not only in theory' by alterations to the teachers' terms of service and a strengthening of the administrative powers of the Zionist education authorities.¹³² Somewhat optimistically, given the history of Zionist reform, Wauchope agreed to the new formula and increased the grant by £6,064 to nearly £25,000 in December 1932 after he 'anticipated' that the necessary changes would be carried out 'in the near future'.¹³³

This did not, however, signal an end to the financial difficulties. In 1932, the Jewish Agency handed over control of the Hebrew school system to the *Va'ad Leumi*. It undertook to provide a contribution of £40,000 to cover the 1932-33 school year, yet financial difficulties in the United States created a shortfall in donations from the Keren Hayesod funds, and the Jewish Agency was only able to provide £8,000 of the promised grant. It requested an emergency grant of £20,000 from the mandatory administration to cover the deficit.¹³⁴ The unsympathetic reaction from the Colonial Office was predictable given its concerns about limiting the mandatory administration's financial liability for Zionist education. Downie minuted that it was time for the mandatory administration to 'stand fast', even in the event of school closures: he exclaimed 'we are bound under the Mandate to facilitate the

¹²⁸ Wauchope to Cunliffe-Lister, 9 April 1932, CO 733/224/11.

¹²⁹ Farrell, 'Relations between the Government of Palestine and the Jewish School System' p10-12.

¹³⁰ Ibid.

¹³¹ Wauchope to Cunliffe-Lister, 9 April 1932, CO 733/224/11.

¹³² Johnson, 'Note by Treasurer on Grant to Jewish Schools', 17 December 1932, CO 733/224/11.

¹³³ Wauchope to Cunliffe-Lister, 17 December 1932, CO 733/224/11.

¹³⁴ Va'ad Leumi to Chief Secretary, 30 March 1933, CO 733/234/11.

establishment of the Jewish National Home, but the Palestine Government is not bound to pay for the establishment of the Jewish National Home' (emphasis in original).¹³⁵ He believed the existing formula offered a 'reasonable and defensible basis' for calculating the grant-in-aid to Zionist education and argued that 'the Jews cannot have it both ways': they had to either accept the public nature of their schools and listen to government calls for reform and reductions in expenditure, or revert to a private system and accept much smaller grants-in-aid to individual schools.¹³⁶ The seriousness of this situation seems to have compelled the Zionist education authorities to listen to British calls for retrenchment. The high commissioner approved a small advance on the forthcoming grant to cover teachers' salaries and keep schools open, whilst the mandatory administration recommended specific savings through the budgetary committee and helped to arrange a loan with Barclays Bank to cover the remaining arrears.¹³⁷

Financial difficulties like these virtually disappeared between 1933 and 1936 because Jewish immigration led to an influx of capital. The Zionist education budget was bolstered by local sources of revenue, particularly the municipality of Tel Aviv that contributed over £22,000 in 1933-34.¹³⁸ During these years, annual updates to the block grant were relatively uncontentious, although in May 1935 the Jewish Agency lobbied for the formula to be reverted back to using overall population sizes after the dramatic growth of the *yishuv*.¹³⁹ Wauchope rejected this idea on the grounds that there were 'many thousands of Arab children for whom Government is still unable to provide educational facilities'; the Colonial Office agreed, commenting that the Zionists 'appear to adopt whatever formula will give the biggest grant irrespective of the merits of the case'.¹⁴⁰

The issue of government funding and its relation to the respective development of Arab and Jewish education was a question that underpinned most considerations of the grant-in-aid to the Zionist school system. Farrell's evidence to the Peel Commission is particularly interesting in this respect. He explained that as Jewish immigrants mainly came from countries enjoying a 'Western civilisation', they were 'in general at a higher cultural level' than the Arabs and that, because of the international dimension of Zionism, through which the *yishuv* could develop its social services, 'the antecedent difference of culture tends to

¹³⁵ Minute by Downie, 1 July 1933, CO 733/234/11.

¹³⁶ Minute by Downie, 17 May 1933, CO 733/234/11.

¹³⁷ Wauchope to Cunliffe-Lister, 6 May 1933, CO 733/234/11.

¹³⁸ 'Department of Education Annual Report for 1933-1934', CO 814/9, p28.

¹³⁹ Wauchope to Cunliffe-Lister, 10 April 1935, CO 733/274/4.

¹⁴⁰ Colonial Office Minute, 4 May 1935, CO 733/274/4.

widen rather than diminish'.¹⁴¹ At the very least, he explained, this 'cultural gap' could not be allowed to become any wider. Farrell suggested that the 'ideal expression' of this policy would be to deny all support to Jewish education until the 'gap' had been closed, but he acknowledged that this was not practical and, until the mandatory administration could provide universal and compulsory education, it would have to provide educational expenses in 'strict proportion to the number of educands in either community'.¹⁴² His comments seem to reflect a belief that the major difference between the two systems was financial, but this was not the case. To really put Arab and Jewish education onto a similar footing, colonial officials would have had to embrace the 'literary' education they so feared and invest far more in secondary and higher forms of learning, both of which they believed were unsuitable for an 'Oriental' people. The Zionist system clearly benefited from this disparity. Taking into account fees charged by schools, the Hebrew system's total expenditure was about £250,000 for around 34,000 pupils in 1934-35, against roughly £180,000 for nearly 36,000 students in the government system, but the fundamental reason for the perseverance of the 'cultural gap' was the culture of imperialism itself.¹⁴³ It shaped British understandings and priorities for education in Palestine and allowed the mandatory administration to hand autonomy to the Zionist movement in matters wider than education.

Conclusion

Under the imperatives of trusteeship, it was clearly recognised that the Arab population, particularly the Arab Muslim community, required more help in educational matters than the Christian or Jewish communities. This recognition, combined with the underlying image that Arabs would not be able to manage their own education system, led to a centralisation of control of government schools in British hands. Its fundamental aim was to promote basic literacy for Arab Muslims, but the tensions between the developmental and protective aspects of trusteeship served to constrain meaningful development for the Arab population relative to Zionist advances. Colonial officials realised the potential for education to lead to the growth of civic consciousness and the development of 'character' but they also feared the social effects that might accompany 'literary' education and so, thinking about the consequences for public security, they adopted a cautious approach to education that fell far short of Arab demands in terms of both its scope and its character.

¹⁴¹ Farrell to Martin, 30 January 1937, CO 733/346/17.

¹⁴² Ibid.

¹⁴³ Department of Education Annual Report for 1934-35, CO 733/291/4.

During mandatory rule, Palestine witnessed dramatic economic and social changes. Despite British hopes to 'insulate' the Arab community against the negative effects of such trends, the inadequacies of government education meant that the transformations within Arab society and the Palestinian economy proceeded at a quicker pace than the ability to utilise 'modern' concepts and methods. This was in stark contrast to the Zionist movement that was adept at exploiting the 'universal' values propagated by the British colonial state. As Miller has suggested, 'in this context, British control over education came to seem particularly manipulative, designed to deprive the Arab community of the intellectual tools it required to control the process of change'.¹⁴⁴ 'Under-development' was never an aim of British policy; yet, in the face of a burgeoning Zionist sector, the priorities set for the government system and the chronic lack of investment in it produced this result. When the mandate drew to a close, only three out of every ten Arab children had attended school. As Segev explained, 'they were a lost generation'.¹⁴⁵

Almost perversely, British officials were determined that the mandatory administration would not provide undue help to the *yishuv* to allow the 'cultural gap' between Jews and Arabs to widen further. In 1932, Wauchope wrote to the Colonial Office fearing that any increases to the grant-in-aid would exacerbate 'a growing and dangerous disparity' between the educational standards of the Muslim population and the Jewish community.¹⁴⁶ Yet in recognising the Zionist system as public in the Education Ordinance of 1933, colonial officials took on a responsibility to provide at least *some* funding for it. This was intended to make the Zionist education authorities respond to government calls for greater financial responsibility, but after numerous contentious episodes it was obvious that British calls for retrenchment were never welcomed and only usually taken when it entailed either an increase in the regular grant or the approval of an emergency payment. The aims of reform were twofold but inter-related: to limit the mandatory administration's financial liability for Jewish education so it could focus on the government system and to allow the Zionist system's expansion to occur in a stable and a sustainable manner.

Farrell believed that the Hebrew school system was over-ambitious and financially impossible to maintain due to the wages paid to teachers, the longer period of elementary schooling – eight years in total – and its universal nature, and the admission of large numbers

¹⁴⁴ Miller, *Government and Society in Rural Palestine*, p.108.

¹⁴⁵ Segev, *One Palestine, Complete*, p.514.

¹⁴⁶ Wauchope to Cunliffe-Lister, 9 April 1932, CO 733/224/11.

of children into higher grades of schooling.¹⁴⁷ Whilst the Hebrew school system was more expensive per pupil, its ambitious nature also made it a potent tool for nation-building. Segev provided another useful summary: 'the Hebrew education system... formed the Jews into a national community, prepared them for their war of independence, and led them to victory'.¹⁴⁸ That could not have happened without British help. Not just directly through the grant-in-aid but, more importantly, through the autonomy it gave to the Zionist Executive in the early years of the mandate that allowed it to foster a nationalist system of education.

¹⁴⁷ Farrell, 'Note on the Principles upon which the Grant-In-Aid of the Jewish Public School System Should be Estimated and Applied', p.3.

¹⁴⁸ Segev, *One Palestine, Complete*, p.514.

Law and Order

During his inaugural speech on the King's birthday in July 1920, Sir Herbert Samuel explained to those present that the 'greatness of the British Empire' rested on order being 'maintained with a firm hand'.¹ The 'firm' maintenance of law and order was necessary to safeguard British imperial priorities in the region yet it was also required to create the stability needed to discharge mandatory obligations and fulfil the imperatives of trusteeship. This rationale can easily be overlooked in favour of the overarching need to protect British interests, but, at the end of his term in office, Samuel suggested that 'the first of all the conditions necessary for the welfare of the country is public security'. British approaches to policing could therefore be justified by reference to the 'welfare' of the local population.² Law and order was also a matter of prestige, because failure to successfully deal with outbreaks of violence had the potential to undermine the wider image of British power. For these reasons, the commitment to maintain public security could often take precedence over other aspects of colonial governance and undermine policies that sought to promote development in Palestine, but trusteeship also informed British objectives towards law and order in a significant manner. As the Peel Commission noted in 1937, the overarching aim of the Palestine government had been to train 'an efficient force of Police to preserve internal order'.³ A key British aim under trusteeship was to shift the burden of responsibility for public security to local, self-sufficient forces by cultivating a sense of autonomy and reducing their reliance on garrisoned British and Indian troops.

The security problems that Britain experienced in Palestine have been a prominent feature of the historiography. The repeated outbreak of rioting and rebellion is one of the most discussed aspects of British rule in Palestine.⁴ After the riots in 1920 and 1921, significant episodes of disorder occurred again in 1929 and 1933, but between 1936-39 and 1944-48 the mandate was characterised by open rebellion and then civil war as Britain withdrew from Palestine. These events have often been utilised as turning points in the

¹ Samuel to Curzon, 12 July 1920, FO 406/44.

² Samuel to Amery, '5 Year Report', April 1925, CO 733/110.

³ 'Palestine. Royal Commission Report', p.185.

⁴ See, for example, Sherman, *Mandate Days*, ch. 3 and 4; Shepherd, *Ploughing Sand*, ch.5; Segev, *One Palestine, Complete*, ch. 6, 8, 14, 17, 20, 21, 22, and 23.

general histories of mandatory rule and used to illustrate deep tensions underlying Arab-Jewish relations. To a large degree this cannot be disputed, although this thesis has emphasised that 1929 was less of a turning point for British policy than is often assumed. The broad subject of law and order has been mainly explored through these incidents, particularly the Arab rebellion in the 1930s and the Jewish revolt in the 1940s, rather than an examination of the British structures that were in place throughout mandatory rule. The historiography on counter-insurgency has tended to focus on the causes of disorder and the British response towards it, whilst emphasising that the mandatory administration was often unprepared, reactive, and even indecisive in its approach.⁵ However, in a pattern that seems to be gaining momentum after literature on the Mau Mau uprising in Kenya demonstrated British atrocities there, some recent studies have started to chart the repression and brutality used by British soldiers in combating rebellion.⁶

There has been a trend within the historiography on law and order that has looked more specifically to the police force of Palestine.⁷ The force became increasingly important as a training ground for colonial officers, many of whom served in Palestine during the 1930s before moving on to positions in other parts of the colonial empire. In turn, the difficulties of policing in Palestine attracted some of the empire's specialists who attempted to introduce reforms following outbreaks of major disorder. The two most prominent examples were Sir Herbert Dowbiggin, inspector-general of the Ceylon Police, who restructured the force following its inadequate handling of the Western Wall riots of August 1929, and Sir Charles Tegart, commissioner of the Calcutta Police, who went to Palestine in 1937 to advise the mandatory government on fighting the Arab rebellion. The impact of these experts has garnered much debate, but often the analysis is removed from the broader context of the

⁵ For general analysis on British counter-insurgency in Palestine, see Charles Townshend, *Britain's Civil Wars: Counterinsurgency in the Twentieth Century*, (London, Faber, 1986); Shepherd, *Ploughing Sand*, ch. 5; Thomas, *Empires of Intelligence*, ch. 8. For analysis on the Arab rebellion, see Tom Bowden, *The Breakdown of Public Security: the case of Ireland, 1916-21, and Palestine, 1936-39*, (London, Sage, 1977); Michael Cohen, 'Sir Arthur Wauchope, the Army, and the Rebellion in Palestine, 1936', *Middle Eastern Studies*, Vol. 9, No. 1, (January 1973); Charles Townshend, 'The Defence of Palestine: Insurrection and Public Security, 1936-39', *English Historical Review*, Vol. 103, No. 409, (October 1988).

⁶ See Jacob Norris, 'Repression and Rebellion: Britain's Response to the Arab Revolt in Palestine of 1936-39', *Journal of Imperial and Commonwealth History*, Vol. 36, No. 1, (2008), pp.22-45; and Matthew Hughes, 'The Banality of Brutality: British Armed Forces and the Repression of the Arab Revolt in Palestine, 1936-39', *English Historical Review*, Vol. 124, No. 507, (2009), pp.313-54.

⁷ See Georgina Sinclair, 'Get into a Crack Force and earn £20 a Month and all found...': the Influence of the Palestine Police upon Colonial Policing 1922-1948', *European Review of History*, Vol. 13, No. 1, (March 2006), pp.49-65; Gad Krozier, 'From Dowbiggin to Tegart: Revolutionary Change in the Colonial Police in Palestine during the 1930s', *Journal of Imperial and Commonwealth History*, Vol. 32, No. 2, (2004), pp.115-133; Edward Horne, *A Job Well Done: Being a History of the Palestine Police Force, 1920-1948*, (Tiptree, The Anchor Press, 1982).

security situation. One important exception to this tendency is Martin Kolinsky's *Law, Order, and Riots in Mandatory Palestine, 1928-35*, which explores both the reforms introduced by Dowbiggin and their subsequent effect on the security situation.⁸

The maintenance of law and order was a necessity across all territories in the colonial empire, but Palestine's particular circumstances elevated it above conventional problems. Tensions that developed as a consequence of British policies relating to self-government, land, immigration, and education, amongst others, meant that the effort to maintain public order increasingly consumed the attention – and not to mention the budget⁹ – of the Palestine government during the mandate. During the 1920s, the main responsibility for upholding law and order rested with two semi-militarised gendarmeries. Their approach to public security was mainly reactive, hoping to promptly contain an outbreak of disorder rather than prevent it from happening. The police force was neglected during this decade and an intelligence-led approach to security was notably absent. The main intelligence gathering apparatus of the mandatory administration were the district administrations, which relied heavily on local opinion or newspaper reporting rather than rigorous investigative or human intelligence practices.¹⁰ As Martin Thomas has pointed out in *Empires of Intelligence*, a 'functioning intelligence state' remained elusive during the mandate: as relations with the Arab community deteriorated and resistance to British rule gained momentum, the possibility of creating useful intelligence links diminished as well.¹¹

These problems reflected the general context in which policing was carried out in Palestine: two antagonistic, sometimes hostile, populations motivated by differing forms of nationalism with tensions that manifested themselves in the political, economic, and religious spheres, usually over disputes about immigration, land purchases, or claims to sacred urban spaces. However, communal tensions were not unique in the colonial empire and had been experienced in places like Ceylon or Ireland. Initially, the main threats to public security were not conceived in racial terms and were concerned primarily with the elimination of highwaymen and brigands, and the policing of new colonial borders to prevent tribal raiding. The relative inattention paid to communal tensions derived from images of the 'docile' Arab

⁸ Martin Kolinsky, *Law, Order, and Riots in Mandatory Palestine, 1928-35*, (Basingstoke, Macmillan, 1993).

⁹ In 1930, for example, shortly after the Western Wall riots, the mandatory administration's expenditure on internal security amounted to £918,741 from a total budget of £2,536,504. See *Ibid*, p.188.

¹⁰ Every month Samuel transmitted this intelligence to the Colonial Office in the form of a political report, although this practice ceased under Lord Plumer. See, for example, Political Report for July 1922, 4 August 1922, CO 733/24.

¹¹ Thomas, *Empires of Intelligence*, p.241.

who would be obedient to a colonial state that robustly exercised its authority. This idea was soon undermined when tensions between the Jewish and Arab communities escalated into violence: first in April 1920 during the Nebi Musa festival and again in May 1921 with the Jaffa riots. After this, the assumption was that outbreaks of Arab disorder were driven by spontaneous outbursts of religious or racial emotion, not political motivation directed towards national goals. The inter-war years were a formative moment for Palestinian Arab nationalism¹², but the British refusal to acknowledge political disorder in such terms had a profound influence on the way that Britain structured the security forces in Palestine. The initial conception of security goals never fully faded, and there was a significant convergence in the approach that British officials believed was required to effectively police Palestine in the 1920s that led to the establishment of semi-militarised gendarmeries.

The aim of transferring responsibility for internal security to local forces was part of a general process of 'civilianisation' under trusteeship that called for a clear delineation between the functions of the police and the military and a more preventive approach to law and order. The primary aim of this chapter is to examine the development of the security forces in Palestine and explore these trends. Ultimately, the maintenance of law and order assumed a higher priority than the devolution of responsibility, but the aim of 'civilianising' the security forces remained a long-term objective of strategic planning. During the 1920s, the expansion of the police force's responsibilities was inhibited by assumptions about the Arab character which emphasised that it was very difficult to prevent an outbreak and that a strong reactive force needed to be in place to contain violence. Samuel offered a typical British verdict in this respect:

The majority of the people are illiterate; placid, and as a rule easily led by men in whom they place confidence, they are prone to fierce personal and family quarrels, and, like other oriental peoples, are occasionally liable to be swept by passion or panic into excitement and unreasoning violence. Strangely credulous as they often are, the most improbable and unfounded stories may find a ready acceptance, and give rise to sudden riots.¹³

Concerns over the reliability of Arab and Jewish officers to use robust policing tactics against their own communities inhibited moves to devolve responsibility for security out of British hands. The secondary aim of this chapter is to explore how cultural assumptions informed general British thinking on law and order in Palestine. To carry out these aims, this chapter

¹² See, for example, Weldon C. Matthews, *Confronting an Empire, Constructing a Nation: Arab Nationalists and Popular Politics in Mandate Palestine*, (London, I.B. Tauris, 2006).

¹³ Samuel's '5 Year Report', April 1925, CO 733/110.

will examine the early formation of the security forces between 1920 and 1926; the legislative powers used to uphold law and order in the 1920s; the re-organisation of the Palestine police after 1929; and finally the security situation between 1930 and 1936.

It must be noted, however, that the overarching need to transfer responsibility to local forces and reduce their reliance on the garrison was not only driven by trusteeship but also significantly by cost. In terms of perceived efficiency, the creation of an all-British police force was the ideal although the high expense alone precluded this as a realistic proposition. The contribution that the British taxpayer made to Palestine for security was already deemed far too high: in 1921, it stood at a staggering £3.5 million.¹⁴ Concerns over expenditure operated on two levels: the cost of the military garrison, primarily responsible for external defence, which was shouldered directly by the British government, and the cost of local forces for internal security, which were funded by a mixture of Palestinian revenues and a grant-in-aid from Britain. The aim of the government in London was to reduce the garrison as far as possible and transfer security functions to local forces whilst retaining a minimum defence capability. This meant the financial burden of Palestine to the taxpayer decreased as military forces were withdrawn, but the cost of public security to Palestine increased significantly as local units were enlarged to close the gap. It was a difficult balancing act when unrest could spread across Palestine very quickly; mistakes in paring down the garrison too quickly were harshly exposed, for example, in the riots of August 1929 that claimed the lives of 133 Jews and 116 Arabs.¹⁵

The Formation of the Security Forces and the British Gendarmerie, 1920-26

Two of the major influences on the early development of the public security forces in Palestine were the establishment of new colonial frontiers under the mandate system and the outbreaks of disorder during the Nebi Musa riots in April 1920 and the Jaffa riots in May 1921. Both demonstrated the need for a semi-militarised police force that was mobile enough to check banditry and brigandage along Palestine's borders, mainly with Transjordan, whilst being able to respond quickly to internal disorder. The police force that the mandatory administration inherited from the military administration was a disorganised body. After the British occupation, military governors had created independent local forces to fill the gap created by withdrawal of the Ottoman gendarmerie but there was no centralised command

¹⁴ Churchill to Samuel, 12 November 1921, CO 733/6; Samuel to Churchill, 16 November 1921, CO 733/6.

¹⁵ 'Report of the Commission on the Palestine Disturbances of August, 1929', p65.

structure and police officers were primarily used as messengers, guards, or tax collectors, which meant that military assistance was repeatedly invoked to deal with unrest. The precedent of using a militarised approach to civil disorder was set early under British rule and was difficult to break given the weakness of the police. By the beginning of 1921, around 60 per cent of the force had resigned on grounds of poor pay and conditions.¹⁶ As the long-term aim under trusteeship was for a civilian police force to handle public security, one of the early priorities for the civil administration was to enact legislation that regulated the police force and created better conditions. The Police Ordinance of 1921 created a director of public security whose job was to co-ordinate the police force and increase its efficiency. The legislation drew heavily on the Indian model of colonial policing and emphasised that the key duties of an officer were to contain outbreaks of public disorder rather than engage in the prevention and detection of crime, which was highly revealing of the early priorities of the British colonial state.¹⁷

Those priorities were also shaped by the disorder of 1920 and 1921. The catalyst for these outbreaks of violence was understood in terms of cultural preconceptions, which were instrumental in shaping assumptions about the goals of public security, particularly that it would be the Arab community who would attack the Jewish one, and that isolated Jewish colonies would need to be protected from those attacks. The development of the public security forces occurred with Orientalist judgments about the Arab character in mind. The commission of enquiry set up to investigate the causes of the 1921 riots under Sir Thomas Haycraft, Palestine's chief justice, commented that 'when Arab discontent with Zionist manifestations and resentment against the new immigrants reached its climax... a demonstration of Bolshevik Jews became the occasion for a popular explosion' by the 'credulous and excitable' Arabs who readily formed together when 'any cause of excitement arises'.¹⁸ The idea that Arab disorder would take the form of a spontaneous 'popular explosion' created a preference for acting rapidly to contain violence, rather than establishing an intelligence-led approach that emphasised prevention. The report continued:

The Arab population is ordinarily very obedient to authority, and it is only when some religious or racial emotion is aroused that it becomes difficult to manage. The Jews are less obedient to authority and more difficult to control; on the other hand, they are

¹⁶ Sir Herbert Dowbiggin, 'Report on the Palestine Police Force', 6 May 1930, CO 935/4, p.36.

¹⁷ Draft Police Ordinance, December 1920, HO 45/24727.

¹⁸ 'Reports of the Commission of Inquiry into the Disturbances in May, 1921', pp.18-9.

less prone to that sudden access of violence which characterises the Arab when aroused to anger by some actual or supposed wrong or provocation.¹⁹

This statement demonstrates a variety of the cultural preconceptions that existed throughout the mandate. The resonant image here is the 'docile native', who is 'ordinarily very obedient to authority', but who could be aroused into fits of violent passion through 'religious or racial emotion' that demonstrated his irrationality. This was compounded by the suggestion that the Arab found it difficult to discern an 'actual' wrong or provocation from a 'supposed' one and that, in any case, aggravation could only be understood in terms of race or religion, not political grievances – a crucial judgment for the colonial state as it created the underlying context which allowed it to downgrade the need to engage in serious political discourse with the native population. The statement is also important because it shows how perceptions of the Jewish community differed from the traditional image of colonial subjects. They were 'difficult to control' and 'less obedient to authority' than colonial officials were used to dealing with, which created a sense of ambivalence in British-Zionist relations.

These assumptions created difficulties for transferring the responsibility for public security to local forces and encouraged the idea of using paramilitary forces. In April 1921, discussions had taken place about creating a Palestine 'Home Force' to supplement and then replace the British garrison, which would consist of both Arabs and Jews but would draw its senior officers from the British army.²⁰ In parallel with self-government, the tendency to centralise command in the hands of British officers was a key theme in efforts at developing public security forces. This reflected underlying concerns about the reliability of Arab-Jewish forces when it came to emergencies. In the aftermath of the riots, Samuel asked that the funds allocated for the defence force instead be allocated to the creation of a special Police Reserve with a high proportion of British officers to assist the regular police during emergencies and protect Palestine's border.²¹ An inter-departmental committee in London concurred with this plan, but it also suggested that responsibility for the defence of Palestine be transferred to the Air Ministry and proposed that Jewish colonists should be armed so that they could protect themselves.²² The decision to use the Royal Air Force to structure Palestine's strategic priorities was in line with the wider context of British imperial policing after World War I

¹⁹ Ibid, p.24.

²⁰ Samuel to Churchill, 29 April 1921, CO 733/1.

²¹ Samuel to Churchill, 13 May 1921, CO 733/1.

²² Churchill to Samuel, 20 May 1921, CO 733/1.

across the Middle East²³ but, as Thomas noted, it was a questionable move in Palestine where the rapid escalation of communal urban violence was the main threat to internal order. The aeroplane was a formidable symbol of colonial authority in rural areas, particularly Iraq and Yemen, during the inter-war years but it was lethal and indiscriminate, which did not make it an efficient instrument for bringing a disorderly urban situation under control or gathering useful intelligence.²⁴ The decision to place Palestine under Air Ministry control on grounds of cost is understandable in terms of border security, but not internal security when the mandatory administration would be forced to rely on uniformed men on the ground during times of emergency.

In late 1921, a scheme to create a British gendarmerie was approved that would facilitate the withdrawal of regular British troops from the garrison. The creation of an auxiliary British unit, combined with a garrison of Indian troops, would produce a saving for the British exchequer of around £1 million whilst providing the same number of 'bayonets and sabres for keeping order'.²⁵ In order to meet the obligations of trusteeship, a 566-strong Palestinian gendarmerie was established as a local body to maintain law and order. The creation of these units underscored the belief that the police would be unable to cope with disorder. The British gendarmerie was regarded as the body that would take on most responsibility until the Palestine gendarmerie was ready, which demonstrated that only an all-British unit could, at that time, be considered completely reliable in times of crisis. The British gendarmerie was recruited from the recently disbanded 'black and tans' of the Royal Irish Constabulary who had earned notoriety for their treatment of the Irish civilian population.²⁶ This was a clear signal that order would be maintained with a firm hand and that the British gendarmerie would be used punitively during outbreaks of disorder; an initiative that, in the short term at least, reinforced the military character of the approach taken to law and order.

This character was further affirmed when the Colonial Office insisted that as the director of public security would be responsible for the gendarmeries, the position would need to be held by someone who had significant military rather than policing experience. To coincide with the establishment of the British gendarmerie in May 1922, Major-General H.H.

²³ See, for example, David Omissi, *Air Power and Colonial Control: the Royal Air Force, 1919-1939*, (Manchester, Manchester University Press, 1990).

²⁴ Thomas, *Empires of Intelligence*, pp.230-1.

²⁵ Churchill to Samuel, 12 November 1921, CO 733/6.

²⁶ See Keith-Roach to Devonshire, 20 November 1922, CO 733/27.

Tudor was installed as both General Officer Commanding and director of public security. After his service in Ireland, it was hoped that his expertise would inform policy and promote stability. This move concentrated responsibility for the garrison, the two gendarmeries, and the police in a single office.²⁷ Whilst this dual role was slightly ambiguous, as Tudor reported to the high commissioner in both a civil and a military capacity²⁸, it was a demonstrative highpoint of the militarised approach taken to public order that focused more on paramilitary forces than on developing the local police force for 'regular' duties. The lack of importance given to the police was shown in July 1923 when, on financial grounds, its training school in Jaffa was closed, its strength reduced by 210 to 1,100 officers, and general pay lowered in favour of conduct and proficiency bonuses.²⁹

Cost was also a divisive issue for the British gendarmerie. Churchill asked Samuel if the money for it could be found out of Palestine revenues, even if that meant increasing taxation or reducing expenditure on public health or education. The colonial secretary argued that either of these were 'preferable to imposing further burden on [the] British exchequer', which demonstrated both the importance of reducing British liabilities and how concerns for public security took precedence over other goals.³⁰ In the end, the British government in London was forced to pay a grant-in-aid to cover some of the costs, but this had an important effect on the constitution of the unit. The mandatory administration had wanted 500 of the 700 gendarmes to be mounted so that the unit would be a predominantly mobile one.³¹ However, to reduce costs, the Colonial Office decided that the British gendarmerie would have to arrive in Palestine as a dismounted unit and that the high commissioner could transfer horses and equipment from the 'native' gendarmerie, as the Colonial Office called it, to the 'white' gendarmerie.³² The use of such characterisation reflected the prevalence of race in issues of security and reliability; a key question for the Palestinian gendarmerie was to be its ethnic composition. In principle, recruitment was on the basis of a minimum of one-third Jews and one-third Arabs, but the number of Jews who signed up was well below target.³³ For the remainder a 'leavening' of non-Palestinians was sought to guarantee reliability.

²⁷ Shuckburgh to Air Ministry, 9 March 1922, CO 733/19.

²⁸ Colonial Office Memorandum, undated, CO 733/19.

²⁹ Dowbiggin, 'Report on the Palestine Police', p37.

³⁰ Churchill to Samuel, 25 February 1922, CO 733/18.

³¹ Churchill to Samuel, 10 February 1922, CO 733/18.

³² Minute by Young, 19 April 1922, CO 733/18.

³³ Kolinsky, *Law, Order and Riots in Mandatory Palestine*, p.25.

Cypriots, Armenians, Assyrians, and Circassians were all considered, but only Assyrians and Circassians were considered to be 'good material for recruitment'.³⁴

In March 1923, Samuel wrote to the Colonial Office explaining that the 'black and tans' stigma that had been attached to the British gendarmerie had 'vanished' and that the 'degree of control' and 'moral force' exhibited by the irregular body in its special duties more than justified its existence.³⁵ The Palestine gendarmerie was also lauded for being free from 'racial and religious contentions' and possessing 'excellent discipline and morale', which had allowed it to undertake more 'regular' policing activities in the frontier towns – although the reduction of the police in July was probably the more acute reason.³⁶ The effect of the two bodies was seen in the reduction of highway robbery during 1922-5, with 180 instances reported in 1922 falling to 71 by 1925.³⁷ At the end of his tenure Samuel could report that 'a rapid pacification of the country' had been carried out, in which 'the spirit of lawlessness [had] ceased', although this may have been an optimistic valedictory statement as highway robbery, for example, continued.³⁸ Nevertheless, the apparent growth in stability, mirrored by the absence of significant outbreaks of public disorder during this period, allowed the mandatory administration and the Colonial Office to make significant changes to the structure and size of the garrison and security forces.

Discussions over reducing the garrison had begun in July 1922 as the Colonial Office sought to make economies in the British grant-in-aid to Palestine. Yet cost was not the only factor in re-organisation, and the long-term goal of transferring the burden of security to local forces was a prominent consideration. Tudor, for example, suggested that 'the establishment of the Palestine Police and Gendarmerie on a proper footing is the first and most essential step towards the ultimate goal of making Palestine self-supporting in the matter of internal security', whilst both the Colonial Office and mandatory administration were agreed on the desirability of creating a clear organisational divide between the police and military.³⁹

The growth of external stability in the region following the British suppression of the revolt in Iraq and the French conquest of Syria during 1920 meant that calculations over the

³⁴ Samuel to Churchill, 31 July 1921, CO 733/4; Churchill to Samuel, 11 August 1921, CO 733/4.

³⁵ Samuel to Churchill, 7 March 1923, CO 733/43

³⁶ Ibid; Report of the Committee on Public Security, 30 March 1923, CO 733/46; Dowbiggin, 'Report on the Palestine Police', p.37.

³⁷ 'Palestine. Royal Commission Report', p.186.

³⁸ Samuel's Five Year Report, April 1925, CO 733/110.

³⁹ Major-General H.H. Tudor to Chief Secretary, 18 August 1923, CO 733/49; Samuel to Devonshire, 26 July 1923, CO 733/46.

size of the garrison could be made primarily in reference to its role assisting the civil power.⁴⁰ From Tudor's point of view, it was more desirable to reduce the size of the garrison in order to maintain an effective force of gendarmerie.⁴¹ This set in motion a steady withdrawal of the garrison until, in 1924, only a cavalry regiment, RAF squadron, and a company of RAF armoured cars remained, at a cost of around £1.5 million. The garrison of 1920 had consisted of a British and an Indian cavalry regiment, a British and an Indian infantry battalion, units from the RAF, and detachments from the Royal Engineers, Royal Artillery, and Royal Army Service Corps.⁴² However, the pressure to reduce the British contribution to Palestine remained and, in May 1924, the idea was put forward to reduce the size of both gendarmeries and incorporate them into the police force, which was a clear signal that policing concerns were beginning to take priority over military considerations. Samuel was particularly hesitant about these plans and believed they would undermine the security of Palestine's frontier with Transjordan.⁴³ A conference between the high commissioner, the colonial secretary, Leo Amery, and the air secretary, Sir Samuel Hoare, was arranged in April 1925 and, despite Samuel's reluctance, it was proposed that the Palestine gendarmerie of 500 men become a fully militarised force – later known as the Transjordan Frontier Force – and re-deployed along the Transjordanian side of the border, whilst the British gendarmerie, which now numbered 450, be further reduced to 200 and absorbed into the police force, which would then stand at 1,500 men.⁴⁴ It was decided to postpone the final decision on the re-organisation to gain the views of the next high commissioner.

Lord Plumer recognised that there was a clear obligation to shift the responsibility for public security to local forces and accepted the recommendations of the inter-departmental conference in line with the imperatives of trusteeship. He affirmed the principle of creating a clear distinction between forces employed in 'normal' policing duties and those required for military operations. Plumer was an experienced soldier, having served in the Sudan, southern Africa, Ireland, the Western Front at Ypres, and then as post-war governor of Malta in a career that began in 1884.⁴⁵ After the First World War, he received a promotion to field marshal, which meant that the Colonial Office regarded his advice on the question of public

⁴⁰ Fieldhouse, *Western Imperialism in the Middle East*, pp.86-88; pp.253-4.

⁴¹ Tudor to Chief Secretary, 23 February 1924, CO 733/66.

⁴² See Samuel to Churchill, 20 July 1922, CO 733/23; Samuel to Churchill, 7 December 1923, CO 733/51; Dowbiggin, 'Report on the Palestine Police Force', p.36.

⁴³ Samuel to Thomas, 16 May 1924, CO 733/68; Colonial Office Minutes, 19 February 1925, CO 733/87.

⁴⁴ Symes to Amery, 17 July 1925, CO 733/95.

⁴⁵ See 'Herbert Charles Onslow Plumer', Oxford DNB,

<http://www.oxforddnb.com/view/article/35545?docPos=1> accessed on 25/10/2012.

security very highly.⁴⁶ His main concern was directed towards the border with Transjordan; he thought that military forces in Palestine were largely unnecessary and that an Arab force in Transjordan, supported by aircraft and armoured cars, would ensure public security for Palestine.⁴⁷ His recommendations included more ambitious proposals for the police, which included a new training depot and a distinct role for the British component of the gendarmerie, who were to deal with urban disorder and patrol main roads – the vital arteries in times of disorder.⁴⁸ Plumer has been criticised for reducing the garrison too quickly and, in Kolinsky's words, for stretching the 'thin line' of Palestine's security to 'breaking point'.⁴⁹ However, this point is made with hindsight following the security forces' inadequate response to the riots in 1929. The mandatory administration and the Colonial Office made steady reductions to the garrison throughout the 1920s to minimise the cost to the British taxpayer, whilst the primary responsibility for public security had been given to the semi-militarised gendarmeries. This meant that the long-term development of the police was neglected in favour of short-term stability, which was not solely attributable to Plumer's endorsement of the recommendations of the inter-departmental committee of April 1925.

Law and Order in the 1920s: Prevention of Crime, Collective Punishment, and 'Heinous' Crime Legislation

The major focus of the mandatory administration during the 1920s was on the cost and structure of the security forces in Palestine. Considerations about preventing crime formed a secondary priority in thinking about law and order. The connections between crime and public order are not usually discussed in the secondary literature, yet the legislative actions of the mandatory administration could often be put towards both ends. The aim of this section is to examine how legislation enacted to fight crime could also be utilised to prevent and punish outbreaks of public disorder. Despite the 'reactive' structuring of Palestine's security forces in this decade, the legal powers that were handed to them did allow for something of a preventive mode of action. The obstacles for that approach to be effective were, as Thomas has suggested, the lack of a 'functioning intelligence state' and the cultural assumption that Arab disorder, driven by spontaneous 'religious or racial emotion', would be too difficult to avert. In those terms, this section will also explore how such legislation was based on

⁴⁶ Minute by Lloyd, 14 November 1925, CO 733/98.

⁴⁷ Minute by Young, 5 August 1925, CO 733/95.

⁴⁸ Plumer to Amery, 30 October 1925, CO 733/98.

⁴⁹ See Kolinsky, *Law, Order, and Riots in Mandatory Palestine*, pp.24-30; and Thomas, *Empires of Intelligence*, pp.232-4.

Orientalist stereotypes of the Arab population. Indeed, when thinking about crime it was clear that the mandatory administration's focus was mainly on the Arab community. For British officials, the frequency of 'heinous' crime in Palestine, particularly murder, was rooted in the Arab 'character'. Sir Gilbert Clayton, the chief secretary, for example, explained to the Colonial Office in discussions about the Ottoman penal code that it was clear that the Arab 'sense of right and wrong is undeveloped'.⁵⁰

In December 1921, the high commissioner forwarded copies of two ordinances that had been passed in advisory council to the Colonial Office: a Collective Responsibility for Crime Ordinance and a Prevention of Crime (Additional Powers) Ordinance. These represented a major expansion of legal powers to strengthen the hand of the mandatory government against what was described as an 'epidemic of crime' in Palestine. They were both viewed as emergency laws that could be repealed after an improvement in public security, but remained in force for a substantial period of time before being consolidated into standing pieces of legislation.⁵¹ Both had utility in preventing crime generally and stopping or punishing acts of public disorder.

The original Prevention of Crime Ordinance, which was enacted in 1920, allowed for the 'binding over' of persons suspected of unlawful designs, including those inciting sedition, 'loitering in circumstances which suggest that they are about to commit an offence', or 'habitual thieves and bad characters who are a danger to the community'. District governors or the president of a district court could order a person to execute a bond with a surety that guaranteed 'good' behaviour for a period of one year. This was found to be effective in controlling those who might provoke unrest, but had little effect on the other two categories so the additional powers ordinance in 1921 allowed the police to place supervision orders in these cases.⁵² The key aim of the orders was to restrict the movement of any 'untrustworthy' person. The penalties varied, but they included restricting where someone could live, preventing the person from leaving the town or district without police consent, making the person liable to present himself at the nearest police station when called upon to do so, or imposing a curfew. Breaking the orders meant losing the security paid and the imposition of

⁵⁰ Clayton to Thomas, 2 July 1924, CO 733/70.

⁵¹ Samuel to Churchill, 9 December 1921, CO 733/8.

⁵² 'Explanatory Note. Prevention of Crime Ordinance', undated, CO 733/8.

either a six-month prison sentence or a £50 fine.⁵³ Clearly, measures used to fight crime could also in theory be used to prevent public disorder.

The mandatory administration also held wide powers under the Collective Responsibility for Crime Ordinance. It acknowledged that collective punishment required 'thorough safeguards' to prevent its abuse but it offered a useful method of redressing grievances when insufficient evidence was available to convict individuals for a particular crime. A claimant could apply to the district commissioner through the village *mukhtar* and, if he consented, the application would be heard in the district court who would decide whether there were grounds for collective responsibility. If a collective punishment was imposed, the court would draw up a list of all those liable to pay and the amount of compensation due. Alternatively, the high commissioner had the power to bypass the courts and order a district governor to impose his own punishments, which allowed the mandatory administration to implement a penalty when it believed that prompt action was necessary.⁵⁴ Its main use during the 1920s was to check village feuding within the Arab community, where common practice was to cut down a neighbouring village's trees causing long-term economic damage. In 1924, the powers were extended to deal with lawlessness in the Southern district of Palestine, which had a high concentration of Bedouin tribes, whose 'turbulent and lawless conduct', which included raiding, had become 'a danger to all law-abiding people of whatever denomination'.⁵⁵ Under the Prevention of Crime in Tribal Areas Ordinance, the conditions under which collective punishments could be imposed were widened to include anyone who conspired or abetted the commission of an offence, who failed to render assistance to discover the offenders or help effect their arrest, who assisted in the escape or harboured a person suspected of having committed an offence, or helped to destroy the evidence of the commission of a crime.⁵⁶ Plumer wanted to extend the ordinance to municipal areas, but the Colonial Office blocked this idea on the grounds that enforcing collective punishment in the municipalities would have a negative effect on British prestige.⁵⁷ In 1925, a consolidating ordinance was enacted that turned the Collective Responsibility for Crimes Ordinance 1921 and the Prevention of Crime in Tribal Areas Ordinance 1924 into standing pieces of legislation.

⁵³ See Prevention of Crime (Additional Powers) Ordinance 1921, 7 December 1921, CO 733/8.

⁵⁴ 'Explanatory Note. Collective Responsibility for Crime', undated, CO 733/8; Collective Responsibility for Crime Ordinance 1921, 8 December 1921, CO 733/8.

⁵⁵ Minute by Shuckburgh, 30 January 1924, CO 733/51; Samuel to Devonshire, 30 November 1923, CO 733/51.

⁵⁶ See Draft Prevention of Crime in Tribal Areas Ordinance 1923, CO 733/51.

⁵⁷ Minute by T.K. Lloyd, 16 November 1925, CO 733/90.

The idea of holding villages collectively responsible can be seen as part of a general attempt to impress a sense of civic responsibility upon the Arab character. Albert Abramson, a district commissioner, suggested that it had enabled him to establish 'tranquillity' across his territory. Hugh Foot, another district commissioner, reached a similar view and took particular pride in putting a stop to the practice of tree cutting in his district during the 1930s.⁵⁸ The use of collective punishment connected to the ethos of ruling with a 'firm hand', but it was also something that British officials felt was a familiar and natural process of justice for rural Arabs. Abramson, for example, explained that the Arabs were being governed according to their own 'tribal customs'.⁵⁹ When the legislation was consolidated, the colonial secretary, Leo Amery, reiterated the point that using collective responsibility was a punitive measure congruent with Arab customs.⁶⁰ Collective punishment was often used in the colonial empire and when the Colonial Office proposed that the legislation relating to collective punishment be consolidated, they put forward the Nigerian ordinance as a model for guidance. It became an important weapon in the mandatory administration's arsenal and was used frequently during the Arab rebellion of 1936-39, but it had been primarily developed as a response to crime within the Arab community during the 1920s.⁶¹

The exceptional powers granted in the Prevention of Crimes Ordinance and the collective responsibility laws highlighted a general need to make changes to the underlying system of criminal law in Palestine. A new criminal code was not implemented until 1936, despite recognition that the Ottoman penal code was defective with the establishment of the civil government in July 1920.⁶² It was decided that the issue should be left for the proposed legislative council to consider, so discussions on the subject did not begin again until March 1924 when the high commissioner wrote to the Colonial Office with concerns about the prevalence of 'heinous crime' and the police's failure to deal with it. Clayton, who was administering the government, suggested in July 1924 that deficiencies in the detection of crime and the preparation of prosecutions were 'an inevitable consequence' of the infancy of the police and its lack of experience.⁶³ Part of the problem was again thought to reside with the Arab character and its lack of civic responsibility. Clayton explained to the Colonial Office that

⁵⁸ Hugh Foot, *A Start in Freedom*, (London, Hodder and Stoughton, 1964), p.45.

⁵⁹ Minute by E. Keith-Roach, 31 January 1925, CO 733/87.

⁶⁰ Amery to Clayton, 4 August 1925, CO 733/87.

⁶¹ Shepherd, *Ploughing Sand*, pp.196-7.

⁶² Colonial Office Note on the Replacement of the Ottoman Penal Code, undated, CO 733/70.

⁶³ Clayton to Thomas, 2 July 1924, CO 733/70.

There is no general appreciation of public duty or responsibility to help the administration of justice, so that evidence against criminals is rarely volunteered, and the inhabitants... [never] allow themselves even indirectly to be instrumental in the capture of offenders'.⁶⁴

Criminals were also able to routinely evade justice through incomplete investigation or technical irregularities in the prosecution, which led Clauson, an official in the Colonial Office, to describe the Ottoman criminal code as 'unsuitable, incomplete, and ineffective' in preventing serious acts of crime.⁶⁵

The debate on how to remodel the Ottoman code, which entailed over 12 years of delay, revolved around trying to create an 'ideal' criminal system and one that was relevant for the 'Oriental' nature of Palestine. The 'ideal' system was based entirely on English criminal law and was seen by British officials as the most equitable possible. In terms of trusteeship, this was the most desirable solution for the future, but there was a pragmatic element to the maintenance of law and order which emphasised that the criminal code must work in the colonial context to which it would be applied. The more pragmatic proposals were based on the Egyptian criminal code, because its 'Moslem character' would make it suitable for the Arabs of Palestine.⁶⁶ In July 1924, a draft based on the Egyptian code was put forward by the mandatory administration, but the Colonial Office did not approve of a 'hotch-potch' derived partly from the previous Ottoman regime.⁶⁷ The codes of British Guiana, the Gold Coast, Cyprus, and the Sudan were all considered as alternatives but none were regarded as suitable.⁶⁸

At the heart of the dispute was the classification of various offences; many of which were held by the Colonial Office as 'contrary to the fundamental principles of English justice'.⁶⁹ These differences highlighted some inherent contradictions between trying to devise an ideal solution, that was in line with trusteeship, and the need to reach a compromise that supported British views of what 'suited' the native population, whilst helping to expedite colonial rule. The draft based on the Egyptian model preserved a distinction between wilful homicide and wilful premeditated homicide, which destabilized the differences between murder and manslaughter within English law. Both wilful homicide and wilful premeditated

⁶⁴ Clayton to Thomas, 2 July 1924, CO 733/70.

⁶⁵ Minute by Clauson, 22 July 1924, CO 733/70.

⁶⁶ Colonial Office Note on the Replacement of the Ottoman Penal Code, undated, CO 733/70.

⁶⁷ Clayton to Thomas, 16 July 1924, CO 733/71.

⁶⁸ Minute by Clauson, 18 July 1925, CO 733/91; Chief Justice Haycraft to Clayton, 18 February 1929, ISA 2/10/1/7.

⁶⁹ Ibid.

homicide contained a less severe penalty than murder – to which the Colonial Office remarked ‘anyone who is content to live in this atmosphere of Arabian Nights will no doubt be quite satisfied’.⁷⁰ A related predicament was over the status of *diyyet* or ‘blood money’ paid as a result of feuding. The practice was repugnant to British ideas of order and the Colonial Office believed that ‘a British administration ought not to tolerate the principle of these blood feuds at all’, suggesting that condoning the *diyyet* effectively sanctioned murder.⁷¹ Yet the mandatory administration was reluctant to interfere directly with this ‘essential institution of the Moslem religion’, which, it argued, actually prevented feuds from spiralling out of control.⁷² Debate also focused on the use of flogging as a criminal punishment. Plumer first wanted it introduced in 1928 for sexual offences, robbery with violence, or robbery on the highway, but district officials rebelled against its implementation, arguing that it was not suitable for the local population.⁷³ The debate on whether to include flogging was primarily responsible for holding up the enactment of a new criminal code in the 1930s after the Howard League for Penal Reform lobbied the government against its incorporation into Palestinian law.⁷⁴

The discussions about the rationale underpinning the various legislative changes to criminal law were conducted primarily with the Arab community in mind. The *yishuv* was a less obvious concern for crime and aspects of Jewish criminality were often overlooked during the 1920s. The smuggling of arms into Palestine was a key example in this respect. In January 1922, a consignment of arms, including 303 automatic pistols and 17,000 rounds of ammunition, was discovered at the port of Haifa concealed in steel cylinders and beehives. The shipment had left from the port of Trieste and was destined for the Jewish Co-Operative Society of Haifa.⁷⁵ Despite a significant outcry from the Arab community, the only action the Colonial Office took was to recommend that the Foreign Office inform the Italian government that arms were being smuggled from Trieste.⁷⁶ The smuggling of weapons was crucial to the later development of the *yishuv*’s underground defence force, the *Haganah*.

⁷⁰ Minute by H.R. Blood, 22 July 1925, CO 733/91.

⁷¹ Minute by H.R. Blood, 22 December 1925, CO 733/99.

⁷² Plumer to Amery, 20 November 1925, CO 733/99.

⁷³ Plumer to Amery, 6 July 1928, CO 733/159/8.

⁷⁴ Wauchope to Colonial Office, 30 December 1933, ISA 2/10/1/140; Howard League for Penal Reform to Colonial Office, 8 December 1933, ISA 2/10/1/140.

⁷⁵ Deedes to Churchill, 2 January 1922, CO 733/18.

⁷⁶ Shuckburgh to Foreign Office, 10 January 1922, CO 733/18.

The main concern held by the mandatory administration was Zionism's political affiliation to the left and revolutionary socialism. British apprehension on this subject was indicative of the wider understanding that thinking in the Jewish community was more 'advanced', and that Jewish actions were taken for ideological reasons and could not be reduced to inherent character flaws. After the May Day riots, in which 'Bolshevik' elements had played a significant role, the mandatory administration held a particular concern for subversive activities amongst socialist groups within the Zionist movement. Following the riots in 1921 all known 'Bolsheviks' were deported, but that did not end the threat of subversion in Palestine. The rise of communism within the Zionist movement can be attributed to a general growth of socialism amongst Jewish workers in Europe, where the vast majority of Jewish immigrants to Palestine originated.⁷⁷ In May 1922, the chief secretary, Wyndham Deedes, informed the Colonial Office that binding over orders, under the 1920 Prevention of Crimes Ordinance, had been issued to the leadership of the Socialist Workers Party (Palestine) to prevent them from inciting sedition. The administration was concerned that the group was being absorbed into the Poale Zion party, which was moving further to the left and associating with the *Haganah*. A lack of clear evidence prevented the administration from taking further action, but there was periodic surveillance on the development of communism within the Zionist movement for the rest of the mandate.⁷⁸

Sir Herbert Dowbiggin and the Re-organisation of the Palestine Police, 1929-31

In August 1929, a wave of violence swept over Palestine after a dispute over the status of the Western Wall in Jerusalem, which had steadily increased communal tensions during the summer months.⁷⁹ The mandatory government was unprepared for the outbreak of rioting. On 22 August, only a day before it occurred, the chief secretary, Harry Luke, believing that the danger had passed, had written to the Colonial Office to offer his account of recent events, praise his officers for restraint, and inform officials that he was proposing to hold reconciliation meetings with the leaders of the Jewish and Arab communities.⁸⁰ The next day, events quickly accelerated out of control and led to killings across the length and breadth of Palestine. The police and garrison, having been gradually reduced during the 1920s, contained no infantry and were unable to contain the violence. By the time reinforcements

⁷⁷ For more on communism in Palestine, see Fred Halliday, 'Early Communism in Palestine', *Journal of Palestine Studies*, Vol. 7, No. 2, (Winter 1978), pp.162-9.

⁷⁸ Deedes to Churchill, 6 May 1922, CO 733/21. For examples of surveillance, see Samuel to Devonshire, 11 May 1923, CO 733/44; Secret Report on the Communist Movement in Palestine, undated, CO 733/141/6.

⁷⁹ For an account of the escalating tensions, see Townshend, 'Going to the Wall'.

⁸⁰ Luke to Passfield, 22 August 1929, MECA, GB165-0188.

arrived from Malta and Egypt on 28 August, 133 Jews were killed and 339 wounded, whilst 116 Arabs were killed and 232 wounded.⁸¹

The 1929 riots were the most serious outbreak of colonial disorder yet experienced under British rule in Palestine.⁸² Public confidence in the police force was shaken. Its response had been disjointed and disorganised as its senior leaders, the commandant, Arthur Mavrogordato, and the district superintendent of Jerusalem, Major W.F. Wainwright, had been on leave when the riots broke out, which disrupted communication and co-ordination between district and town police commands. The killing of over 100 Arabs by a hastily enrolled special constabulary, Jewish auxiliary volunteers, and soldiers rushed in from Egypt in a desperate attempt to restore order represented a significant departure from the minimum force-style policing of the civilian approach and exposed the inadequacy of the security arrangements in Palestine.⁸³ Interim measures were taken to strengthen the police, including an expansion of the British section by 200, bringing it to nearly 600 officers (out of a total strength of almost 2,000), and the deployment of two infantry battalions which could give aid to the civil power in times of emergency.⁸⁴ Questions of cost – usually so important – were largely irrelevant as this was viewed as essential for the future maintenance of law and order. The inevitable effect was a dramatic rise in expenditure on public security, which jumped from nearly £380,000 in 1927, after the gendarmeries had been disbanded, to over £900,000 in 1930; a figure which did not take into account contributions from the British government in London.⁸⁵

The police's failure to contain the violence had considerable potential to undermine the long-term aim of trusteeship, which was to place responsibility for public security into its hands. A return to a more militarised approach would have certainly presented less risk for the colonial state in the fulfilment of its most basic objective. There was, however, a surprising degree of agreement that, whilst the police needed some form of restructuring, they would continue to play the main role in the maintenance of public order. The Colonial Office accepted that it was inevitable that some of the reinforcements sent to Palestine during the riots would need to be retained, but did not think they would displace the police's role. Officials in London were generally inclined to wait for the commission of enquiry to deliver

⁸¹ 'Report of the Commission on the Palestine Disturbances of August, 1929', p.65.

⁸² Chancellor to Passfield, 31 December 1929, CO 733/180/1.

⁸³ Thomas, *Empires of Intelligence*, p.237.

⁸⁴ Minute by N.L. Mayle, 4 December 1929, CO 733/176/5.

⁸⁵ 'Palestine. Royal Commission Report', p.188; p.192.

its verdict.⁸⁶ The riots had demonstrated the limitations of air policing and Sir Hugh Trenchard, the chief of the air staff, was forced to mount a vigorous defence of the RAF's position in Palestine. His solution was to increase the size of the police, spread their resources more evenly across Palestine, and provide back up through air power. As Thomas has suggested, Trenchard's 'stubborn reluctance' to acknowledge the urban nature of disorder in Palestine and that fundamental change was required, indicated that he had a 'limited grasp' of the situation.⁸⁷ Perhaps the most important conclusion was reached by the Committee of Imperial Defence, which suggested that, whilst a garrison of infantry should be kept permanently in Palestine, an efficient police organisation offered the most effective method of preventing future disturbances.⁸⁸

Mavrogordato was asked to submit his own proposals for the reorganisation of the police. He advocated an increase in numbers and the payment of special allowances to encourage more Jews, who were significantly under-represented, to join the force. However, Chancellor decided that these recommendations did not get to the 'root of the matter', rectify any structural defects in the force, or offer any guarantees of improved efficiency in dealing with disturbances or in the detection and prosecution of criminals.⁸⁹ When the commission of enquiry into the riots under Sir Walter Shaw submitted its report in March 1930, it passed a series of damning verdicts which, in the aftermath of the violence, were not particularly surprising. It suggested the policy of reducing the garrison had been taken too far, that the non-British elements of the police could not be relied upon when faced by 'racial disturbance', and that the intelligence system was inadequate and focused too heavily on the threat of communist subversion.⁹⁰ The committee recommended that no reductions should be made to the two battalions of infantry that had been sent to Palestine during the riots and that an independent enquiry on improving the efficiency of the police force should be carried out by an experienced officer.⁹¹ Given Mavrogordato's narrow proposals, Chancellor readily accepted the Shaw commission's recommendation that a review of the force be carried out by an independent expert.⁹²

⁸⁶ See Minutes by O.G.R. Williams and Sir J. Shuckburgh, 16 September 1929, CO 733/176/5.

⁸⁷ Thomas, *Empires of Intelligence*, p.238.

⁸⁸ Committee of Imperial Defence Report, 20 December 1929, CAB 5/7; Shuckburgh to Chancellor, 30 January 1930, CO 733/180/1.

⁸⁹ Chancellor to Passfield, 31 December 1929, CO 733/180/1.

⁹⁰ 'Report of the Commission on Palestine Disturbances of August, 1929', pp.145-50.

⁹¹ Ibid, pp.167-8.

⁹² Chancellor to Passfield, 31 December 1929, CO 733/180/1.

The experienced officer selected was Sir Herbert Dowbiggin, the former inspector-general of the Ceylon police. His success in Ceylon, which, with its Sinhalese, Tamil, Malay, Moor, and Burgher population, had significant communal tensions of its own, meant that he was viewed as an expert on preserving law and order between groups that had divergent religious and political commitments.⁹³ The main question confronting Dowbiggin was whether to continue the civilian approach to public order or return to a semi-militarised footing. He arrived in Palestine with firm ideas on colonial policing, and his overarching goal was to create a fully effective civilian police force that focused on the prevention of disorder rather than its containment. Dowbiggin's approach could be summarised by his maxim 'a notebook is to the policeman what a rifle is to the soldier'.⁹⁴ The Colonial Office had a number of questions that they wanted Dowbiggin to consider, including the role that British and Jewish officers should play within the force, and the wider issue of how the functions of the police should be demarcated from the military. The long-term aim of Dowbiggin's investigation was to make recommendations that would develop the efficiency of the police in such a way as to reduce its dependence on British troops garrisoned in Palestine.⁹⁵ The focus on increasing the effectiveness of the police to make it a self-sufficient body, in the context of a scheme that provided overall security for Palestine, underlined the fact that the attempt to reorganise the security forces after the 1929 riots was congruent with the aims of trusteeship.

The report that Dowbiggin produced ran to 274 pages and covered every aspect of policing in Palestine. His approach was sympathetic; he acknowledged that the inexperience of the force and the vicissitudes of the 1920s, when significant uncertainty had existed between the functions of the various security forces, had placed a considerable obstacle in the way of its development.⁹⁶ He also explained that communal tensions had undermined the confidence of the police, suggesting that 'the only condition under which police work can successfully be done is when no partiality is shown in dealing with different races and the different classes of the population'.⁹⁷ The complete removal of racial prejudice was deemed a long-term objective and Dowbiggin appreciated that to expect the Palestine police to prevent and impartially deal with racial disturbances in the short-term was 'asking the impossible of

⁹³ Krozier, 'From Dowbiggin to Tegart', pp.118-9.

⁹⁴ Dowbiggin, 'Report on the Palestine Police Force', p.147.

⁹⁵ Colonial Office Note, 24 January 1930, CO 733/180/1.

⁹⁶ Dowbiggin, 'Report on the Palestine Police Force', p.38.

⁹⁷ Ibid, p.8.

them'.⁹⁸ He cited various reasons for this, including a lack of training, adequate barrack housing, and recreation facilities, but perhaps most important was the dearth of British supervision. These deficiencies illustrated the general neglect shown towards the police under the semi-militarised approach to law and order that dominated the 1920s.

Dowbiggin held a strong belief in the impartiality of the British section of police – he applauded their ‘good qualities of impartiality, courage, tact, courtesy, and good nature’.⁹⁹ This was an instructive example of the general confidence of British officials in Palestine that they could deal with both communities equally, yet Dowbiggin’s position was informed by Orientalist stereotypes of the Arab community that echoed earlier British views about the nature of public disorder in the ‘East’. He explained that

Serious premeditation and organisation for months in advance is almost impossible... [however, if] the cry is raised that a certain religion, temple, or place of worship is in danger or has been attacked, or that co-religionists have been killed, a state of religious frenzy is at once aroused, and in five minutes a riot of the most serious nature is in progress, in the course of which the people whose religious feelings have been worked upon will gladly lose their lives in attacking a community alleged to have imposed upon their religious rights, ceremonies, or property.¹⁰⁰

This was similar to the Haycraft commission’s verdict that unrest in the Arab community could primarily be attributed to religious or racial incitement, rather than as part of a political objective to demonstrate opposition to the policies of the colonial state. This perspective continued to have a significant influence by perpetuating a reactionary stance to the maintenance of public order. Despite his emphasis on prevention, Dowbiggin stressed that it was ‘a question of minutes and not of hours or days between peace and an emergency’.

The palpable increase in tensions over the status of the Western Wall prior to August 1929 should have given the mandatory administration sufficient opportunity to prepare for an outbreak of disorder, but the fact it did not suggests how pervasive these stereotypes were in producing a reductive appreciation of events. In diminishing the capacity for Arab agency, the mandatory administration effectively rejected any intelligence-led approach which would require them to anticipate the scale of violence or prepare accordingly for it. Once a disturbance was under way, Dowbiggin explained that

⁹⁸ Ibid, p.10.

⁹⁹ Ibid, p.129.

¹⁰⁰ Ibid, pp.10-11.

The only hope of prevention is for adequate force to be on the spot. The only possibility of preventing a riot once started from spreading is to deal with the first outbreak with utmost promptitude. Firm handling of the first outbreak will, in the long run, prove to have been the most merciful and humane course.¹⁰¹

The reference to 'firm handling' reflected the Orientalist view that Arabs responded more readily to a strong, authoritarian approach, and it helped to shape British planning for maintaining public order across the mandate. Dowbiggin's assertion that the only method of containing disorder was through having adequate force 'on the spot' was consonant with earlier British analyses that stressed a reactive approach to containing disturbances. The departure that Dowbiggin made was to suggest that the functions of the police and military needed to be properly demarcated in times of emergency, and to express the hope that the police could use their authority in a more preventative fashion.

Dowbiggin's plans for managing disorder rested on an assumption that military forces would remain in the country for at least the next 20 years to provide stability for the improvement of the police.¹⁰² He envisaged a three-phase system for the deployment of the garrison during times of unrest: it would move from a 'peacetime' disposition to a 'precautionary' stage that would see the garrison dispersed throughout the country, before an 'emergency' phase during which extra troops would be sent to Palestine from Egypt and naval reinforcements from Malta.¹⁰³ In the precautionary phase, the police would be responsible for dealing with demonstrations, minor riots, and attacks on Jewish colonies, but would also take preventive action by dispersing assemblies that were at risk of becoming unlawful or escalating into a riot.¹⁰⁴ The police within each district would be able to utilise the dispersed garrison to provide aid to the civil power if the disturbances became more serious, but overall responsibility for order would rest with the mandatory administration. This was important because it maintained police control in the most likely instances of unrest. The emergency phase would be initiated in event of a general rebellion against the mandatory power, in which case the Palestine government would have to consider a declaration of martial law so that the military could assume control of law and order.¹⁰⁵ It was the first such

¹⁰¹ Ibid.

¹⁰² Ibid, p.145.

¹⁰³ Ibid, pp.12-3.

¹⁰⁴ Ibid, p.24.

¹⁰⁵ Ibid, pp.23-7.

defence plan of its type and, as Martin Kolinsky suggested, helped to provide stability and purpose to the mandatory administration after the tumultuous events of August 1929.¹⁰⁶

The duties assigned to the police under Dowbiggin's proposals were not only reliant on a clear separation of police and military functions, but also on the role of the British section of the Palestine police. Mavrogordato's earlier recommendations had simply called for a larger British section so that there would be more reliable officers during emergencies, but Dowbiggin envisaged a significantly different use of the British section. After the reorganisation of 1926 that disbanded the two gendarmeries and created the Transjordan Frontier Force, the British section of the police had been concentrated as a 'strike force' to protect urban centres and patrol major roads, but this had created an overlap with the military that essentially made the policing function of the British section redundant. The key question for Dowbiggin was how to impart the 'good qualities' he had identified in the British section to the entire force – the clear inference being that they did not possess those characteristics.¹⁰⁷ In terms of trusteeship, Dowbiggin's ideas of trying to make the police force more 'British' can be viewed as an attempt to shape character to what colonial officials regarded as the 'correct' standard.

Despite his detailed planning for disorder, in Dowbiggin's view the main priority for the police was to prevent and detect crime through the collection of intelligence.¹⁰⁸ This was a key departure from the model of policing that underpinned the 1921 Police Ordinance, where the primary duty of the force was to contain outbreaks of disorder. The most significant feature of Dowbiggin's proposals was that the British section should be dispersed throughout Palestine and engaged in more routine police work, with the aim of providing an overall boost to the efficiency of the force. British police officers would be spread out across 32 permanent stations from which they would engage in regular patrols. Dowbiggin believed that the visible presence of British officers would have significant benefits in maintaining public order, which again demonstrated his faith in the 'superiority' of British personnel. They were to patrol with Palestinian officers as much as possible to help instil 'a high sense of duty' and provide an example of reliable and impartial policing.¹⁰⁹ Crucially, they were not meant to take the place of the Palestinians but to 'supplement' them and offer the benefits of greater exposure to the admirable qualities associated with the British section. The reason for

¹⁰⁶ Kolinsky, *Law, Order, and Riots in Mandatory Palestine*, p.121.

¹⁰⁷ Dowbiggin, 'Report on the Palestine Police Force', p.129.

¹⁰⁸ Ibid, p.145.

¹⁰⁹ Ibid, p.129.

this was in line with the thinking of trusteeship and Dowbiggin's overarching goal of promoting a self-sufficient Palestinian police force. If British officers formed the core of the force, then there would be substantial problems if their numbers were reduced, which was not unlikely at some point given the overarching trend of trying to reduce expenditure. In the interim period, it guaranteed an element of reliability as the British police officers could provide supervision during times of heightened tension.

The distribution of the British section amongst the permanent stations was particularly significant as they were an integral part of the plan to provide for the defence of Jewish colonists. Each station would be responsible for protecting a group of outlying colonies during times of unrest, in tandem with sealed armouries that would be used for defence until the security forces arrived. This was a highly controversial issue which originated at the beginning of the mandate when, after the Jaffa riots in 1921, a scheme that placed rifles in Jewish colonies was expanded so that they could be used to defend themselves until military forces arrived.¹¹⁰ The policy was gradually phased out during the 1920s but, even then, Samuel explained it was essential 'to avoid giving substance to [the] absurd but nonetheless firm belief of Arabs that Government is arming Jews against them'.¹¹¹ Dowbiggin advocated using 'Greener guns', short-range defensive weapons, in the armouries to prevent such criticism. The proposal is particularly revealing of British attitudes that the Jewish community could be trusted with arms whilst the Arab community could not. Although arms were widespread in Palestine following the First World War, the mandatory administration sought to confiscate Arab weapons whenever possible.¹¹² The scheme for the defence of Jewish colonies was demonstrative of the assumption that it was the Arab community who would initiate disorder and the *yishuv* that would need protecting. This was one of the more tangible ways in which the mandatory administration sought to protect the development of the Jewish national home in Palestine.

The other key element of police re-organisation was the restructuring of the Criminal Investigation Department (CID). The CID was the subject of various criticisms after the riots because it had been unable to supply intelligence that helped to prevent or contain the spread

¹¹⁰ Samuel to Churchill, 4 June 1921, CO 733/1.

¹¹¹ Ibid.

¹¹² Dowbiggin, 'Report on the Palestine Police', p.19.

of violence.¹¹³ Dowbiggin stated it was the weakest part of the police force and was particularly critical of its commanding officer, J.F. Broadhurst, suggesting that he was incompetent and that 'one wonders how Mr. Broadhurst spent his day'.¹¹⁴ An efficient CID was central to Dowbiggin's efforts at putting the police onto a more proactive footing, but he also emphasised that the collection and communication of intelligence was a responsibility that all police officers carried and should be instilled in new recruits from the very beginning of their training. His report explained that a 'Police officer who, by getting information in advance, prevents a riot or prevents a crime is a better man than the Police officer who quells a disturbance by force'.¹¹⁵ Dowbiggin advocated a general overhaul of the CID, including new leadership, increased funding and staff, and a new administrative structure, so that it could carry out its responsibilities of detecting crime and collecting and communicating intelligence to the government on political movements, the press, and seditious activity.¹¹⁶ He suggested that intelligence liaison between police districts, divisional headquarters, and district administrations be improved through a daily assessment that would also be sent to the government secretariat, the commandant, and the general officer commanding, and a quarterly analysis of crime in the various districts so that rank-and-file police officers and district officials could understand their medium-term priorities. He further advised that the CID's commanding officer should, like the police commandant, have the ability to communicate directly with the high commissioner and the general officer commanding.

These changes were all designed to create an apparatus that could quickly process incoming information about potential unrest and react to it, but such a system relied on the raw intelligence that was fed into it and the reforms could do little to improve relations with the Arab population, particularly as organised resistance to British rule gained momentum during the 1930s.¹¹⁷ Kolinsky has suggested that the most important of Dowbiggin's changes to the police was the transformation of the CID.¹¹⁸ Whilst the reforms were significant, Kolinsky's conclusion does not pay enough consideration to the dispersal of the British section of the Palestine police amongst the rest of the force as a wider move that would transform its character. As long as the assumption that 'serious premeditation' from the Arabs

¹¹³ See, for examples, Committee of Imperial Defence Report, 30 December 1929, CAB 5/7; Note by Sir John Shuckburgh, 30 January 1930; 'Report of the Commission on Palestine Disturbances of August, 1929', pp.145-50.

¹¹⁴ Dowbiggin to Chancellor, 8 April 1930, CO 733/180/1; Dowbiggin, 'Report on the Palestine Police', p.202.

¹¹⁵ Dowbiggin, 'Report on the Palestine Police', p.145.

¹¹⁶ Ibid, pp.210-2.

¹¹⁷ Thomas, *Empires of Intelligence*, pp.240-1.

¹¹⁸ Kolinsky, *Law, Order, and Riots in Mandatory Palestine*, p.104.

would be impossible prevailed, it was difficult for the colonial state to gauge the scale and depth of disorder. The CID, despite being re-organised, was unable to give the mandatory administration accurate intelligence on the outbreak of the Arab rebellion. Yet the dispersal of the British section seems to have provided the police with greater resilience which, as will be explored in the next section, was demonstrated in its handling of the 1933 riots.

Law and Order between 1929 and 1936

The maintenance of law and order until the outbreak of the Arab rebellion in April 1936 was carried out in the shadow of the August 1929 riots and the policy debates that followed with the Shaw Commission, the Hope-Simpson Report, the Passfield White Paper, and the MacDonald Letter. As has been suggested earlier, these political deliberations did not fundamentally undermine British adherence to the principles of trusteeship in administering the mandate and the civilian approach to policing was retained. The 1929 riots also posed some fundamental questions for the Jewish community in Palestine. The long-running assumption that the national home could be achieved through an 'evolutionary' approach, by settling the land before the growth of Arab nationalism, lost much of its credibility. However, the *yishuv* remained committed to what Anita Shapira described as its 'defensive ethos' – the development of Jewish power for use in self-defence only. This ethos was an integral part of the evolutionary approach; it exemplified mainstream Jewish attitudes towards the use of force, but on a wider level it also served as an 'emotional, psychological and rational foundation' that helped to justify Zionist goals in Palestine. Much like trusteeship, the evolutionary approach postulated that disputes between the two peoples were connected to the 'backwardness' of Arab society; any problems would therefore gradually disappear with further economic progress and societal development. Despite the traumatic events of August 1929, the focus on these questions subsided as concerns intensified over Adolf Hitler's rise to state power and the need to absorb the fifth *aliyah*.¹¹⁹

The events of 1929-31 preceded an intensification of the Palestinian Arab national movement. During the 1930s, Islam became a more prominent symbol in the struggle against Zionism and Hajj Amin al-Husseini, the grand mufti and president of the Supreme Muslim Council, began to assume a more dominant role as leader of the Arab community. Moreover, a new generation of better-educated and more radical politicians emerged that proved more willing to confront the mandatory power than the traditional leadership represented by the

¹¹⁹ Shapira, *Land and Power*, p.121; p.173.

Arab Executive (AE). However, factional struggles continued to prevent any attempt at forging a unified opposition to the colonial state and Zionist settlement. The 1930s saw the rise of youth organisations like the Arab Young Men's Muslim Association (established in the late 1920s), the Patriotic Arab Association (July 1931), and the Committee of the Nablus Congress (August 1931); political parties such as the Independence Party (August 1932), the National Defence Party (December 1934), the Palestine Arab Party (May 1935), the Reform Party (June 1935), and the National Bloc (October 1935); and clandestine resistance organisations like Sheikh Izz ad-Din al-Qassam's Black Hand (1930).¹²⁰ The policy statements made by the British government in the aftermath of the 1929 riots persuaded some Arab leaders that they had finally achieved a limitation of Zionist colonisation through co-operation with the mandatory power. After the Black Letter, such hopes were frustrated and the impetus of the national movement shifted away from the AE towards these various groups. The Arab political process became more radicalised in order to mobilise popular opposition to the mandate, and violent resistance to colonial rule was increasingly seen as the only remaining method to protect Arab society in Palestine, particularly as Jewish immigration and land purchases dramatically increased after 1933.¹²¹

Against this backdrop, it could be seen as paradoxical that the mandatory administration actually managed to uphold an increasing standard of public security until April 1936 and, from its point of view, successfully deal with an outbreak of disorder in October 1933. Dowbiggin's proposals for police re-organisation represented a more proactive approach to law and order, but the priority given to public security also provided the justification for utilising the legal systems of the colonial state in a more authoritarian fashion. After the disturbances in August 1929, the key question in this respect was over the amount of control the mandatory administration should exercise over the press in Palestine to thwart its ability to exacerbate unrest. The Shaw Commission drew particular attention to the issue of press incitement in the build-up of tensions by suggesting that 'too great a liberty of expression has been allowed to the Press in Palestine'.¹²² In his own appreciation, Chancellor reflected that Arab newspapers had come close to being 'actively seditious' and that certain articles were an 'incitement to disorder'. He viewed these tendencies as the natural product of a less 'civilised' or 'responsible' society, explaining that

¹²⁰ Porath, *The Palestinian Arab National Movement: From Riots to Rebellion*, ch. 3.

¹²¹ Ibid, ch. 5.

¹²² Report of the Commission on the Palestine Disturbances of August, 1929', pp.90-1.

Such violence of language is common in the vernacular presses of the Middle East and it is only to be expected among races which are undisciplined in a social sense and highly passionate when under the influence of a religious idea or labouring under a sense of injustice.¹²³

This statement was based on general images provided by Orientalism, but it also reflected prevailing British views on the nature of Arab disorder by emphasising the influence that religion had in aggravating 'passions'. Such characterisation was significant as it reinforced the idea that disturbances were spontaneous and unorganised, with the corresponding knowledge that a sustained campaign of politically motivated disorder against the mandatory power was unlikely to occur.

The need to curb the press's potential to incite disorder necessitated a change in the administration's approach to it. Press censorship had been introduced after the Jaffa riots in 1921 and district governors had been given permission by the colonial secretary to act 'on the side of severity' in censoring opinions. Churchill recognised that this was 'obviously required for the safeguarding of national interests' but also advocated that it should be 'done away with at the earliest possible moment'. He explained to Samuel that he was facing opposition in parliamentary circles and wished to give 'the fullest assurance' that the civil rights accorded under the mandate would be respected.¹²⁴ It was clear that censorship sat uncomfortably with many British officials as it clashed with the liberalising tendencies within the British philosophy of colonial rule. Press supervision was handed to the Criminal Intelligence Department, but there was no consistent policy and minimal contact took place between the press and government. In 1928, the responsibility for press scrutiny was transferred from the CID to a dedicated bureau that had been set up in the government secretariat. A junior assistant secretary was given the task of directing the bureau, but this was not his primary responsibility and the importance of the press bureau quickly diminished.¹²⁵ The Shaw Commission recommended that inflammatory articles should be brought to the attention of the senior officers in the mandatory administration more often and that the old Ottoman press laws should be amended to ensure that newspapers who published articles that were conducive to breaches of the peace were more routinely prosecuted in court.¹²⁶ The administration arranged for a press expert from the Residency in Cairo, R.A.

¹²³ Chancellor to Passfield, 16 February 1930, CO 733/190/3.

¹²⁴ Churchill to Samuel, 11 August 1921, CO 733/5.

¹²⁵ R.A. Furness, 'Report on the Control of the Press in Palestine', 16 June 1931, pp.1-3, CO 733/240/7.

¹²⁶ Ibid, p.167.

Furness, to restructure the press bureau so that it could adopt a more thorough supervisory role.

The changes proposed after 1929 continued to reflect British ambivalence over censorship and led to a debate between the Colonial Office and mandatory administration on how far the legal system of the mandate should be harnessed to repression. The first of the Shaw Commission's recommendations was fairly uncontroversial and Furness set about reorganising the bureau and finding an official to train as a dedicated press officer. His report explained that a lack of independence and understaffing had led to the inefficiency of the press bureau. After the riots, it had exercised 'almost exclusively inspective and repressive' control over the press with 'hardly any guidance' given to it.¹²⁷ The emphasis on guidance was indicative of how Furness's general approach to the press was informed by a significant degree of paternalism, which in itself relied on Orientalist judgments about the Arab character. They underpinned the sweeping observation that

The press in Palestine indisputably has a great influence on public opinion, and ultimately on public security. The public is an ignorant one, and therefore credulous, particularly of what they read, and the newspapers are their favourite reading. They are largely illiterate, but that is no bar to acquaintance with the content of newspapers, which are habitually read aloud to them all over the country and do not lose force in the process. They are both excitable, and, so far as I can observe, serious.¹²⁸

This potent mix of credulity and excitability, from the administration's point of view, underlined the need for a more rigorous supervisory regime. Furness suggested that a more constructive approach to press relations was needed, so that there was an equal division of responsibility between supervising the press, collating information from newspapers and scrutinising content, and acting as a liaison to journalists by providing information and issuing communiqués on matters of public importance.¹²⁹ In the long-term, this approach connected to trusteeship through the creation of a fairly regulated, more responsible press; Furness envisaged that attention paid to the latter would help to improve journalistic standards and prevent distorted or inaccurate reporting of government actions and reduce the need for a repressive stance towards the newspapers.¹³⁰

The second recommendation, legislative change, was more divisive. Ultimately, the need to guarantee security dictated policy but British officials tried to conform to liberal

¹²⁷ Furness, 'Report on the Control of the Press in Palestine', p.3.

¹²⁸ Ibid, p.18.

¹²⁹ Ibid, pp.5-6.

¹³⁰ Ibid, p.32.

principles as far as possible. In the aftermath of the riots, a number of prosecutions were attempted against newspapers but the 'cumbersome and obscure' nature of the Ottoman press laws¹³¹ meant they failed and the administration relied on the autocratic powers that the high commissioner could exercise in council to suspend newspapers.¹³² This was not viewed as a satisfactory long-term solution and the Palestine government wanted executive powers for district officials to enable them to seize publications, levy sanctions, and close down newspapers they regarded as seditious, without recourse to the courts.¹³³ The Colonial Office legal advisers were particularly concerned at the removal of judicial sanction from the issue of press offences.¹³⁴ Instead, they proposed a system based on the model of supervision in Cyprus, where the high commissioner could more easily suspend the press in the short-term and seize newspapers containing seditious material, whilst the courts could take longer-term decisions on sanctions and closures.¹³⁵ Wauchope used the expertise of Furness, who was training the press bureau, to draft a new ordinance in April 1932 that was approved by the Colonial Office.¹³⁶

The new approach to the press was soon tested when the Arab community discovered in July 1931 that sealed armouries had been re-introduced into Jewish colonies on Dowbiggin's recommendations. There was a significant public outcry, and the mandatory administration feared that a sustained press campaign would trigger a repeat of the agitation that led to the riots in August 1929. After an Arab congress took place at the end of July 1931, during which younger politicians made inflammatory speeches – a sign of the radicalising national movement amongst the Arab youth – the administration acted firmly by summoning leading Arab editors to inform them that presenting the sealed armouries as a threat to law-abiding citizens would result in the suspension of their newspapers. In concert with binding over various Arab leaders under the Prevention of Crimes Ordinance, this warning seemed to bring an end to the agitation.¹³⁷ The actions taken were illustrative of the limits of Furness's constructive approach in Palestine in the face of the need to maintain public security. Shuckburgh, for example, had already expressed his scepticism about attempting to 'nurse' the press in Palestine but deferred to the high commissioner's

¹³¹ Colonial Office Note on 'Press Law in Palestine', 12 April 1932, CO 733/240/7.

¹³² Furness, 'Report on the Control of the Press in Palestine', p.3.

¹³³ OAG to Passfield, 9 July 1930, CO 733/190/3.

¹³⁴ See Minutes by N.L. Mayle, 21 July 1930 and 2 December 1930, CO 733/190/3.

¹³⁵ Colonial Office Note on 'Press Law in Palestine', 12 April 1932, CO 733/240/7.

¹³⁶ Wauchope to Cunliffe-Lister, 9 April 1932, CO 733/221/3.

¹³⁷ Kolinsky, *Law, Order, and Riots in Mandatory Palestine*, pp.113-5.

judgement on the matter.¹³⁸ When confronted with a potentially divisive issue, it was deemed safer to operate a more repressive and heavy handed stance towards newspaper editors and threaten them with closure.

It was not long before the possibility of unrest within the Arab community manifested itself again. The changing dynamic within the Arab national movement, as the importance of the Arab Executive declined, forced the 'traditional' leadership to adopt a more militant stance to prevent its position from being further undermined. In March 1933, the AE declared a boycott of Jewish trade and a policy of non-cooperation with the mandatory government.¹³⁹ During 1933, the Arab press reported with growing concern on the increase of Jewish immigration and the resolution of the eighteenth Zionist Congress calling for unrestricted immigration into Palestine. This again highlighted both the difficulties of controlling the press and British reluctance to engage in censorship. Since the 1929 riots, demonstrations had been banned but, in protest against Jewish immigration, the AE called for a general strike on 13 October and decided to hold a protest in Jerusalem against the British policy on Jewish immigration. Despite warnings that demonstrations were illegal and would carry penalties, the protest went ahead as planned. A minor skirmish broke out between the fifty-strong detachment of unarmed police and the demonstrators, but the police managed to disperse the crowd through baton charges and there was no loss of life which, after the 1929 riots, was viewed as a significant success.

The Arab Executive also considered the protest a success and organised another strike and demonstration two weeks later in Jaffa. This time, the procession turned into a riot after diverting from its original route. The police opened fire to disperse the crowds, killing 14 and wounding 38. As news of this disorder spread, disturbances broke out in Haifa and Nablus but were eventually contained without fatalities. Wauchope was especially keen to limit any political fallout from the disturbances. The high commissioner wrote to the Colonial Office suggesting that a commission of inquiry should be established, but with a narrow frame of reference to prevent it from commenting on policy. Wauchope believed that policy recommendations of major importance should not stem from an investigation into a

¹³⁸ Minute by Shuckburgh, 13 March 1930, CO 733/190/3.

¹³⁹ Kolinsky, *Law, Order, and Riots in Mandatory Palestine*, pp.164-8.

disturbance and feared that a wide frame of reference would 'arouse racial feelings' leading to a further increase in communal tensions.¹⁴⁰

The commission, headed by the former Chief Justice of the Straits Settlements, Sir William Murison, commended the police for their restraint and forbearance despite the 'mercurial and excitable and when excited, dangerous Arab crowd'.¹⁴¹ Under the defence scheme, the garrison in Palestine had dispersed to the precautionary stage but the police had not needed to call on it and, in marked contrast to 1929, the entire force had been reliable, which was seen as a testament to Dowbiggin's proposals and the re-organisation carried out by Roy Spicer, who had replaced Mavrogordato as inspector-general.¹⁴² Whilst acknowledging 'a general feeling of apprehension' amongst the Arabs engendered by Jewish immigration and land purchases, the commission concluded that the disturbances 'were chiefly due to a desire to retaliate generally against the police on account of the action which they had been forced to take, the accounts of which were doubtless greatly exaggerated'. The spread of disturbances to Haifa and Nablus were consonant with this verdict of 'criminal' retaliation against the police, which removed any political motivation from the riots.¹⁴³

In hindsight, the 1933 riots can be seen as an expression of increased Palestinian Arab opposition to the colonial state. Yet despite the various signs that resistance was growing, the general standard of public security in Palestine was actually increasing. After the police were re-organised in 1931 and the British section assigned more 'routine' policing duties, levels of crime fell dramatically. In 1931, the first year that the police filed an annual report with the secretariat, there had been 4,815 indictable and 28,008 non-indictable offences committed in Palestine, but a steady drop each year meant that by 1935 crime had more than halved with 1,753 indictable and 10,525 non-indictable offences committed. There was also a significant increase in the rate of convictions, which went from around 50 to nearly 80 per cent as the police utilised new techniques of collecting evidence.¹⁴⁴ Falling levels of crime and the police's ability to contain the riots in 1933 contributed to a general sense of complacency about the security situation. The limited nature of the inquiry into the 1933 disturbances

¹⁴⁰ Wauchope to Cunliffe-Lister, 6 November 1933, CO 733/239/6; Cunliffe-Lister to Wauchope, 7 November 1933, CO 733/239/6.

¹⁴¹ Report of the Murison Committee on the 1933 disturbances, 4 January 1933, CO 733/239/6.

¹⁴² Wauchope to Spicer, 12 January 1934, CO 733/258/2.

¹⁴³ Ibid.

¹⁴⁴ Palestine Police Force, 'Annual Administrative Report, 1931', CO 814/5; Palestine Police Force, 'Annual Administrative Report, 1935', CO 814/10.

allowed the prevailing British view about Arab disorder to continue until the outbreak of the Arab rebellion in 1936.

Conclusion

The maintenance of law and order was a primary responsibility for the Palestine government. When the civil administration of Palestine began in July 1920, the territory had a substantial garrison of troops that cost the British taxpayer over £3.5 million a year but little in the way of effective local forces. The need to reduce Britain's financial liability for Palestine was a pressing one, but discussions on restructuring the security forces were also related to trusteeship because they explored how responsibility for public order could be transferred to a local, self-sufficient police force. The composition of the forces used to preserve internal security went through some key phases: initially, the military garrison was paramount, then the gendarmeries were created, before, finally, the main responsibility for public order was vested in the police force. The overarching logic of these changes was a reduction of costs but there was also a corresponding increase in the level of responsibility taken on by local forces in Palestine which was consonant with notions of trusteeship. The 1929 riots were a bloody demonstration that the garrison had been reduced too quickly and that the police could not cope with disorder in its current form. Dowbiggin's restructuring of the force, which included dispersing the British section, and his defence scheme ensured that the police continued to play the primary role in times of disorder. By the mid-1930s, it can be argued that the goals of trusteeship had largely been achieved; there was an efficient police force in place that was responsible for public security and a clear delineation between its responsibilities and those of the military garrison.

The secondary aim of this chapter was to explore how cultural assumptions influenced the British approach to law and order. Dowbiggin had also tried to establish a more preventive method of maintaining order through overhauling the Palestine CID. Various pieces of criminal legislation could have also been harnessed to this approach but ultimately an intelligence-led system was difficult to implement. Not only did deteriorating relations with the Arab community hinder such an approach but cultural preconceptions about the spontaneous nature of Arab disorder pushed British priorities in a different direction. In his work on the Arab rebellion, Charles Townshend noted that 'by 1936 the British had become accustomed to thinking that the Arabs of Palestine were incapable of organising a unified

national movement'.¹⁴⁵ Indeed, to colonial officials there had been no evolution between the preceding outbreaks of disorder in 1920, 1921, 1929, and 1933 – all had been expressions of Arab irrationality and an inability to control a 'murderous temper' when labouring under a religious or racial grievance. This image had considerable force. The mandatory administration consistently feared an outbreak of disturbances, but it was never considered that they would emerge out of a politically organised Palestinian Arab national movement. This view extended into an initial confusion over whether the Arab resistance that began with a general strike in April 1936 actually constituted a revolt. As it progressed, however, the scale of the Arab rebellion fundamentally and irrevocably undermined many of the assumptions that the British position in Palestine had been built on.

¹⁴⁵ Townshend, 'The Defence of Palestine', p.919.

Conclusion

The outbreak of the Arab rebellion marked the failure of trusteeship in Palestine. In scale and intensity, the rebellion completely eclipsed previous outbreaks of disorder and the routine of civil administration became impossible as the British authorities lost control of wide swathes of the Palestinian countryside.¹ In contrast to previous episodes of rioting, the rebellion was specifically directed at the mandate government and rebels targetted both the political and economic apparatus of the colonial state in Palestine.² The causes were multi-faceted: the dramatic rise in immigration during the 1930s was accompanied by a change in the dynamic of land sales, which prompted an influx of rural Arabs migrating to the towns in search of work and exacerbated Arab grievances about being dispossessed of their land. Yet Arab motivations for supporting the rebellion were not simply because of a reaction to heightened Jewish immigration and land purchases. During the 1930s, the Palestinian Arab national movement went through a process of political radicalisation which stemmed from the inability of its traditional leadership to effectively oppose British support for Zionism. In mobilising widely held opposition to the mandate, the rebellion had a significant popular base that combined an urban Arab nationalism with peasant economic grievances. This compelled Arab notables to confront the rivalries that had previously undermined the national movement and caused the political parties that emerged during the early 1930s to band together and establish the Arab Higher Committee in order to direct the rebellion.³

The rebellion began on 15 April 1936 with the murder of two Jews on the Tulkarm-Nablus road. This was quickly followed by the retaliatory murder of two Arabs near Petah Tiqva. Rioting and anti-Jewish demonstrations then occurred in Jaffa, but the unrest continued and a general strike was declared on 21 April and the newly formed Arab Higher Committee vowed to continue the strike until the British government in London met their demands for a ban on Jewish immigration and land acquisition, and the establishment of a

¹ Segev, *One Palestine, Complete*, p.414.

² Thomas, *Empires of Intelligence*, p.244.

³ Martin Kolinsky, 'The Collapse and Restoration of Public Security', in Martin Kolinsky and Michael Cohen, *Britain and the Middle East in the 1930s: Security Problems, 1935-39*, (New York, St. Martin's Press, 1992), p.147.

representative government.⁴ By the summer of 1936, the rebellion had intensified into an irregular war and policymakers in London decided to send a royal commission, headed by Lord Peel, to investigate the disturbances 'on the spot'. Before the committee could depart for Palestine, however, Britain was forced into the unprecedented step of asking Arab leaders from outside Palestine to intervene and persuade the Arab Higher Committee to stop the violence so that the commission had a stable environment in which to work. The Peel Commission's report was wide-ranging and astutely addressed nearly every facet of British rule in Palestine but its most contentious recommendation was that Palestine should be partitioned into Jewish and Arab states.

The British government's endorsement of this principle caused public security to deteriorate even further than in the initial phase of the rebellion. Wauchope asked for early retirement after his conciliatory approach had failed. He was succeeded by Sir Harold MacMichael, a colonial administrator who had been governor of the Sudan and was an Orientalist scholar.⁵ Unlike Wauchope, he had no qualms about declaring military law and sanctioned repressive methods to combat the insurgency. Even so, during the summer of 1938, he had no choice but to inform the Colonial Office that the rebellion had reached a point where the 'rebel leaders are more feared and respected than we are', and speak of 'the essential unity' of the Palestinian Arab movement, which, although 'not fully co-ordinated', was being constantly improved and was 'definitely a national one'.⁶ After the Munich Agreement postponed the possibility of war in Europe, the British government felt able to commit substantial military forces to Palestine and suppress the rebellion, but the magnitude of the disorder obliged policymakers to rethink the fundamental assumptions that underpinned their position in Palestine and it was clearly recognised that a political solution was required to stabilise the wider British position in the region.

The new political approach emerged during 1938 and it involved a significant turn away from some of the core assumptions that underpinned trusteeship. In January 1938, the government appointed the Woodhead Commission to work out the technical details of partition, but when it presented its findings to Parliament in November, it had long been known in London and Jerusalem that partition would be abandoned.⁷ Speaking to the House of Commons in November 1938, Malcolm MacDonald, the colonial secretary, lauded Zionist

⁴ Sherman, *Mandate Days*, pp.94-5.

⁵ See Oxford DNB, accessed via <http://www.oxforddnb.com/view/article/34797?docPos=1>, on 29 April 2013.

⁶ Quoted in Townshend, 'The Defence of Palestine', p.934.

⁷ Report of inter-departmental meeting in London, 10 October 1938, CO 733/386/13.

achievements in Palestine and explained that 'it is not only the Jews who have benefited from the Balfour Declaration'. However, he also acknowledged that 'it is useless to press that argument on the Arabs. They are deaf to the argument, they are blind to the spectacle of a gradually improving standard of life for their people, because they are thinking of something else. They are thinking of their freedom'.⁸ At an inter-departmental conference in the same month, Downie, an assistant secretary in the Middle East Department, explained that 'all experience, and the Royal Commission's opinion, shows that (whatever Jews may say or think) nothing can persuade the Arabs that economic progress and Jewish infiltration are better than poverty and national independence'.⁹ His remarks were somewhat misleading as British policymakers had long held the same assumption that economic growth would mitigate political tensions but they demonstrate how colonial officials were beginning to distance themselves from previous policy.

These verdicts, and others such as MacMichael's, which acknowledged the 'essential unity' of the Palestinian Arab national movement, established a political foundation for the White Paper of May 1939. Described as an instrument of appeasement in the Middle East, it provided for the establishment within ten years of an independent Palestinian state in treaty relations with Britain; the immediate appointment of some Palestinians to head certain Ministries, once order in Palestine was completely restored; the restriction in some areas, and the complete prohibition in others, of land purchases by Jews; and a quota of 75,000 Jewish immigrants over the next five years, after which Arab consent would be sought for subsequent entries.¹⁰ The White Paper recognised that the Palestinian Arabs would never accept Zionism on the grounds that it brought economic benefits, but it also went much further: it curtailed British support for Zionism, crystallised the size of the Jewish national home, and acknowledged that the Palestinian Arabs had legitimate national aspirations of their own, which effectively removed the core assumptions that sustained British trusteeship in Palestine as it had existed between the establishment of the civil administration and outbreak of the Arab rebellion. The White Paper policy clearly envisaged that Britain would maintain an influential position in the proposed Palestinian state through treaty relations, as had been the case in Iraq in 1932 and as would happen with Transjordan in 1946. However,

⁸ Speech made by MacDonald in the House of Commons, 24 November 1938, CO 733/386/13.

⁹ Report of inter-departmental meeting in London, 11 October 1938, CO 733/386/13.

¹⁰ 'Palestine. Statement of Policy', May 1939, Cmd. 6019, (London, HMSO, 1939). See also Cohen, 'Appeasement in the Middle East', pp.592-3.

the outbreak of the Second World War meant that the White Paper was never fully implemented and after the war events unfolded in a different direction.

Those events, of course, are another story; but the nature of them has had a significant influence on the subsequent development of the historiography on the inter-war period in Palestine. This thesis has sought to add to that historiography by tracing the influence of trusteeship in policy-making debates between the Colonial Office in London and the mandatory administration in Jerusalem. To do this, it has tended to focus on the link between the Middle East Department and the office of the high commissioner. Whilst other parts of the mandatory administration have featured prominently, the nature of the sources and the research undertaken has been conducive to this particular focus. It seems that the bombing of the government wing of the King David Hotel in July 1946 destroyed many of the records from the earlier years of the mandatory administration and so the main body of source material is the correspondence that survives in the files of the Colonial Office. For the future historiography on trusteeship, there remains significant scope for further examination of the deeper context of mandatory rule in Palestine by focusing more explicitly on individual departments within the mandatory administration or on other administrative areas, such as health and public works. There is also the possibility of examining how conceptions of trusteeship differed among the British mandates, both in the Middle East and Africa. Looking further afield, it could also be possible to study French policy to assess how mandatory obligations and the principles of trusteeship were interpreted in the Syrian and Lebanese mandates.

Those mandates, established by the Covenant of the League of Nations, were described as a 'sacred trust of civilisation'. In emphasising notions of trusteeship, the mandate system was designed to confer legitimacy to the conquests made during the First World War. For Britain, the issue of trusteeship had a long history that had been at the heart of its imperial project since the acquisition of India in the eighteenth century and so British philosophies of colonial rule promoted liberal, utilitarian, and rational approaches to governance in Palestine. As has been suggested, the Balfour Declaration and the mandate provided 'flawed foundations' for British rule¹¹; trusteeship was required as both a method of achieving and as a way of reconciling the conflicting obligations that were contained in these controversial documents. Against the backdrop of developing tensions between the Arab and

¹¹ Renton, 'Flawed Foundations', p.37.

Jewish communities, it has been easy to overlook the influence that trusteeship had on British policy-making in favour of the political ramifications that resulted from British support for Zionism. By utilising notions of trusteeship, this thesis has sought to move away from historiographical trends that focus solely on the primacy of Arab-Jewish conflict and instead follow in the path of some recent historians, such as Martin Bunton, who promoted an approach to the mandate that takes into account the wider influences of British imperialism in Palestine.¹²

Trusteeship was a key feature in the British administration of the mandate between 1920 and 1936, and this thesis has explored its influence in five key administrative areas: self-government, immigration, land, education, and law and order. The beginning of the civil government in July 1920 allowed Britain to move away from the principle of maintaining the status quo that had guided the military regime. The early priorities of the mandatory administration included the creation of a system to regulate immigration and the establishment of a Land Commission. These moves could be interpreted as paving the way for Zionist colonisation by facilitating migration and 'rationalising' tenure in order to make it easier to buy and sell land yet, whilst British officials were aware that such moves would fulfil their mandatory obligations to Zionism, they were primarily justified in economic terms. The import of capital and labour was deemed crucial to the Palestinian economy in the aftermath of the First World War and, because it lacked significant resources of its own, land reform was considered vital in order to increase agricultural productivity. These objectives were deemed necessary irrespective of any British commitment to support Zionism.

The outbreak of rioting in 1920 and 1921 posed some early challenges to the mandatory administration, but they did not undermine the basic precepts of trusteeship. The colonial perspective that attributed the cause of violence to flaws within the Arab character, and which refused to recognise the violence as having a political rationale, formed a consistent theme in the British approach to Arab disorder. After the Jaffa riots, it was decided to establish a legislative council to reinforce connections between the mandatory administration and Arab notables. In London, the British government sought to reach an agreement with the Arab delegation over plans for a constitution for Palestine but the delegation's refusal to consider any proposal that effectively endorsed the Balfour Declaration meant that Britain was left with little choice but to make a unilateral declaration

¹² Bunton, *Colonial Land Policies in Palestine*, pp.1-30.

of policy in the 1922 White Paper. This was one of the most important attempts to 'clarify' exactly what the Balfour Declaration meant as it suggested that the Jewish national home would be founded in Palestine, but would not encompass the whole of it. In the interests of the 'non-Jewish population', the rate of immigration was formally tied to the economic absorptive capacity of the country, which was an important expression of trusteeship. The White Paper prepared the ground for elections to the legislative council, but the Arab community boycotted all attempts at constitutional development because it did not want to confer legitimacy to the mandate. In order to make progress in the field of self-government, the British focus shifted to developing local forms of communal autonomy for the remainder of the 1920s.

The outbreak of rioting in 1929 resulted in a prolonged period of reflection on the future of British rule in Palestine. However, the policy implications were less drastic than is assumed because Britain remained committed to trusteeship in Palestine. Rather than an attempted move away from support for Zionism, the Shaw Commission, the Hope-Simpson Report, the 1930 White Paper, and the Black Letter should all be viewed as a recalibration of the developmental and protective aspects of trusteeship, which was necessary because the *yishuv* had reached the point where its continued development was believed to have a greater effect on the economic position of the Arab community. British policymakers continued to recognise the importance of Zionism for economic development, but they also acknowledged the limited quantity of land available for further Jewish settlement so they advocated an 'active' policy of development which prescribed more intensive cultivation of the land by both Arabs and Jews to support a larger population. These more subtle changes did imply some limitation on the potential growth of the national home. However, they did not envisage a complete restriction on future settlement; the Cabinet Committee on Palestine estimated that Zionist reserves of land would be sufficient for five years of continued settlement whilst the proposed development was carried out. The Black Letter has traditionally been interpreted as reversing the Passfield White Paper yet it actually affirmed many of its central aspects, including the development plan; the creation of a body responsible for carrying it out with powers over land transactions; an inquiry into Arab landlessness; and the introduction of new legislation to protect the position of tenant cultivators. The failure of the policies contained in the White Paper was not due to the Black Letter but because the British government was reluctant to finance large-scale infrastructure projects during the depression

of the 1930s. Whether a successful development policy could have averted the kind of tensions that were instrumental in the outbreak of Arab rebellion is an open question.

This thesis has also sought to emphasise the importance of cultural preconceptions by utilising Edward Said's concept of Orientalism. The binary images supplied by Orientalism facilitated the discourses of progress and improvement that formed the core of trusteeship. Beyond the image of superior Occidentals and inferior Orientals, a framework of cultural stereotypes about the Arabs in Palestine was created. They were variously depicted and described by British policymakers as a 'subject' people; that their farming and landholding methods were archaic; that the rural *fellahin* were fatalistic about their position on the land and lacked political consciousness; that they were usually obedient when faced with 'strong' forms of authority, but were volatile and irrational when it came to religious and racial grievances, which often caused rapid outbreaks of public disorder; that anti-British activity was the work of criminals; that notables and *effendis* were parochial, divided, and motivated by kinship or greed rather than political ideology; that they were unsuitable for 'literary' or advanced forms of education; and that the Arab character lacked civic responsibility and needed to be tutored in administration.¹³ Cultural preconceptions also informed British attitudes towards the Jewish community. The European origins of the Zionist movement allowed the mandatory administration to give the *yishuv* a significant degree of autonomy. The relationship between Britain and the Jewish and Arab communities has often been conceived in terms of a triangle¹⁴ but, contrary to much of the early historiography on the mandate, the different communities did not begin on an even footing and the interactions between them were in no sense equal. British cultural preconceptions skewed power relations in Palestine because the colonial state in Palestine created and managed the environment in which the interactions between the Arab and Jewish communities took place: it formed 'the constitutive blueprint within which the other actors moved, acted, and thought'.¹⁵ Within this environment, the Zionist movement was able to develop powerful quasi-state institutions for which the Arabs had no parallel because they were directly subordinated to the British dominated mandatory administration.¹⁶

¹³ Ghandour, *A Discourse on Domination in Mandate Palestine*, p.2.

¹⁴ See, for example, Bethell, *The Palestine Triangle*.

¹⁵ Shamir, *Colonies of Law*, p.11.

¹⁶ Bernard Wasserstein, 'The British Mandate in Palestine: Myths and Realities', *Middle Eastern Lectures No. 1*, (1995).

The core assumptions that a coherent articulation of trusteeship relied on between 1920 and 1936 – that the Palestinian Arabs did not warrant national rights of self-determination; that economic development, assisted by Zionist settlement, would mitigate any tensions that derived from an increased Jewish presence in Palestine; and that Britain would retain a long-term presence in Palestine to protect the interests of all communities, as they were conceived by colonial officials – were gradually undermined as the mandate progressed and finally abandoned during the Arab rebellion. By the time British priorities in Palestine had shifted away from trusteeship, it was, at best, only partially fulfilled. In the field of self-government, the mandatory administration developed various local forms of autonomy as part of their efforts to carry out trusteeship but, ultimately, meaningful power remained centralised in British hands. Immigration and land reform were supposed to achieve economic development but, by 1936, it was clear that, whilst the Palestinian economy had grown significantly, that prosperity had done little to improve the impoverished position of the rural Arab *fellahin*. In education, the mandatory administration significantly expanded the government school system, yet it fell far short of meeting the Arab demand for education. The school-building programmes of the 1930s could barely keep pace with the rising demand for school places, let alone address the deficit that had built up during a decade of parsimony. Even then, the content of education was narrow and tied to British priorities. Arab leaders often looked to private forms of education in order to develop values such as Palestinian Arab nationalism, pan-Arabism, and pan-Islamism.¹⁷ In law and order, after Dowbiggin's reforms, a detailed defence scheme was put in place; the efficiency of the police was significantly improved; and its functions were clearly demarcated from those of the garrison but the outbreak of the Arab rebellion and the British failure to contain it undoubtedly erased the achievements of the early 1930s as the colonial state turned to repression to fight the insurgency.

British rule in Palestine has often been judged for its failure to cultivate Arab-Jewish relations. Under trusteeship, however, this was always a secondary priority; a question that could only be properly considered when economic development had formed the foundation for a stable polity that the various communities could engage in. How colonial officials would judge when the economic climate was optimum, or what the demographic balance would be like then, is unclear but British officials were forced to confront this question at

¹⁷ See, for example, Ela Greenberg, 'Majallat Rawdat al-ma'arif: Constructing Identity within a Boys School Journal in Mandatory Palestine', *British Journal of Middle Eastern Studies*, Vol. 35, No. 1, (2008), pp.79-95.

various intervals – usually after an outbreak of violence. These episodes typically resulted in partial answers and a rethinking of how the primary obligations of trusteeship would be carried out, whilst difficult questions about the end of the mandate were ‘postponed’. Yet the communal approach that was adopted in the interim, which was a form of divide and rule, clearly reinforced the separation of the Arab and Jewish peoples, and this made the objective of creating some form of unified political community for the purpose of devolving self-government ever more distant. Trusteeship does, however, allow for more nuanced understandings of British relations with the Arab and Jewish communities; rather than prescribing mutually exclusive pro-Arab or pro-Jewish perspectives to mandatory rule, it is more important to understand how British interests and obligations were conceived. In doing that, I hope this thesis has offered some insight on how trusteeship enabled British officials to resolve the ‘dual obligation’ that confronted them in Palestine.

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HO 45: Registered Papers

Prime Minister's Office

PREM 1: Correspondence and Papers

Cabinet Office Files

CAB 5: Committee of Imperial Defence

Israel State Archives, Jerusalem

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